

LIFESTYLE COMMUNITIES

vs.

CITY OF WORTHINGTON

Deposition of

David Robinson

October 31, 2023



PRI COURT
REPORTING

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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

LIFESTYLE COMMUNITIES,)	
LTD., ET AL.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No.
)	2:22-cv-1775
CITY OF WORTHINGTON,)	
OHIO,)	
)	
Defendant.)	

DEPOSITION
of DAVID ROBINSON

Taken at Worthington City Hall
6550 North High Street
Worthington, Ohio 43085
on October 31, 2023, at 9:02 a.m.

Reported by: Rhonda Lawrence

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STIPULATIONS

It is stipulated by and between
counsel for the respective parties that the
deposition of DAVID ROBINSON, the witness
herein, called by the Plaintiff under the
applicable Rules of Federal Civil Court
Procedure, may be taken at this time by the
stenographic court reporter and notary public
pursuant to notice; that said deposition may be
reduced to writing stenographically by the court
reporter, whose notes thereafter may be
transcribed outside the presence of the witness;
and that the proof of the official character and
qualification of the notary is waived.

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1 DAVID ROBINSON

2 being first duly sworn, as hereinafter

3 certified, deposes and says as follows:

4 CROSS-EXAMINATION

5 BY MR. MILLER:

6 Q. Good morning, Mr. Robinson.

7 A. Hi, Mr. Miller.

8 Q. Have you given a deposition before?

9 A. You mean like a video deposition?

10 Q. Exactly what we're doing here. Have you
11 done this before?

12 A. I have not.

13 Q. Okay. Rhonda will be taking down every
14 word we say today. We may fail at this at
15 times, but let's both try to endeavor not to
16 speak over one another. There will be times
17 where you know what my question is before I
18 finish. I'd ask that you wait. Likewise, if I
19 accidentally intrude when you have not yet
20 finished your answer, please let me know, and
21 I'll try to refrain from doing so.

22 A. Sure.

23 Q. Also, if you could answer my questions
24 verbally rather than with a nod or shake of the

1 head, I would appreciate it.

2 A. I will do that.

3 Q. Do you understand that you're giving
4 testimony here under oath today related to a
5 lawsuit that Lifestyle Communities has brought
6 against the City of Worthington?

7 A. I do.

8 Q. That was very good, how you waited until
9 the end of my question to answer.

10 I understand you own a business. Could
11 you describe for me that business, where it's
12 located, what your role is?

13 A. Would you repeat that, please?

14 (Record read as requested.)

15 A. Yeah. I'm a co-owner of a -- of a
16 manufacturing business called Marcy Enterprises.
17 I've been there about 30 years. Became a
18 co-owner roughly ten years ago. It's a
19 manufacturing business.

20 I would describe it as a small
21 family-owned business. A friend of mine from
22 college, Steve Meizlish, his father started the
23 business 50 years ago, and Steve is now the
24 primary owner, I'm a secondary owner.

1 We manufacture in-house, in Columbus
2 here, parts for the automotive aftermarket,
3 specifically for auto glass replacement. We
4 export about half of our product overseas.
5 We've got five, six patents.

6 My primary responsibility is business
7 development, marketing, sales, prospecting. But
8 being a small business, you know, I do all kinds
9 of things, as my partner does. Every day I'm
10 out on the manufacturing floor talking about new
11 products, talking to clients. So I like my job.
12 I enjoy it every day and consider it a creative,
13 inventive enterprise. So that's what I do.

14 Q. Approximately how many people work for
15 Marcy Enterprises?

16 A. Approximately 20. It goes up and down a
17 little bit, depending on machines we have.
18 We've been growing. Probably we've added maybe
19 five employees over the last few years, but it's
20 roughly 20 people.

21 Q. And you're also the president of the
22 City Council here in Worthington?

23 A. Yeah. You know that.

24 Q. How long have you been the president of

1 City Council?

2 A. Since early January. I forget if it was
3 the 2nd or 3rd. It was the first meeting in
4 January of 2022. I'm in the middle of my second
5 term right now. I was first elected in 2017,
6 and I started serving on council in January of
7 2018.

8 Q. How would you describe your civic life
9 before being elected to council? Were you
10 involved here in the community?

11 A. My wife and I moved here in -- and my
12 stepdaughter, Julia -- moved here in 2009, in
13 May of 2009. And I was not involved in city
14 affairs until 2015, something like that.

15 Q. And Mr. Robinson, what role did that
16 take in 2015?

17 A. Well, actually, it was probably December
18 of 2014. I came back from a trip -- business
19 trip overseas to England, and my wife had said
20 that she had spoken with a neighbor who was
21 saying that there was some issues up at the New
22 England and High Street Masonic properties, and
23 there was some residents there that were
24 speaking with the city about the possibility of

1 creating a small little -- it was like a real
2 small, little parcel, creating a little pocket
3 park there. And it was a group of citizens.
4 Ended up basically -- I don't know -- probably
5 150 folks that eventually got interested in
6 this, and that's when I first got drawn into
7 local affairs, civic affairs here in
8 Worthington, was talking with the city about the
9 possibility of creating a little pocket park
10 there.

11 Q. And that is a matter or issue separate
12 and apart from what brings us here today, the
13 Lifestyle Communities property?

14 A. Well, I certainly think it is, but
15 you're asking me questions that make me wonder
16 where --

17 MR. SCHUMACHER: Just answer the
18 question he asks you.

19 A. Yeah, it's separate, sure. Yeah.

20 Q. Was that 150 people or so that you
21 mentioned, was that part of an organized group,
22 as you recall it?

23 A. First of all, I was just a member. I
24 was peripheral, so I don't know details. But I

1 mentioned 150 because at one point the group
2 took out a newspaper ad. I think there were 148
3 signatures. So it was organized. It never even
4 had a name. I would describe it as an ad hoc
5 neighborhood group.

6 Q. Now, you have a personal blog which at
7 times you've used to post about the Lifestyle
8 Communities or UMCH property, correct?

9 A. Yeah, I have a personal blog, yeah.

10 Q. How long have you maintained that blog?
11 When did it begin, if you recall?

12 A. I think it began -- let's see. I think
13 it began in 2018. I think so. Yeah, it would
14 have been, I think, coinciding with my City
15 Council.

16 Q. Could it have been earlier than that,
17 prior to your run for City Council, even as
18 early as 2015?

19 A. No. I'm pretty sure it was -- I think
20 it started as part of -- at the core of my idea
21 of being a citizen representative on City
22 Council is to help keep the public informed.
23 One of my sayings, I guess, is an informed and
24 engaged citizenry is the basis of sound public

1 policy. And so back in -- all the way back in
2 2015, '16, '17 there was cries from the public
3 to City Council you're not listening to us, a
4 sense of disconnect between the public and their
5 elected officials. And so I created the blog in
6 order to provide a conduit for communications
7 with the public.

8 Q. You may have touched upon this a moment
9 ago, Mr. Robinson, but why did you decide to run
10 for City Council?

11 A. why did I -- a sense of responsibility.
12 I'm a member of a community that I care a lot
13 about. I believe I was at a point in life where
14 I had the time and the abilities to think well
15 about public issues and to engage the public.
16 So it was a sense of giving back to the
17 community that was giving me and my family a lot
18 at the time.

19 Q. Were you in part motivated by the issue
20 related to the UMCH/Lifestyle Communities
21 property?

22 MR. SCHUMACHER: I'm sorry, I didn't
23 catch the end of the question.

24 Q. Sure. Were you motivated in part by the

1 issue of the development of the UMCH or
2 Lifestyle Communities property?

3 A. Back in 2017 -- the UMCH issue has been
4 a significant issue for the whole community for
5 ten years. So yeah, of course it was. It was
6 that along with many other issues.

7 Q. Did you hold any role with the city
8 prior to becoming on City Council?

9 A. Could you repeat that?

10 (Record read as requested.)

11 A. No.

12 Q. Are you familiar with an organization
13 called WARD, or Worthington Alliance for
14 Responsible Development?

15 A. I am.

16 Q. How would you describe your relationship
17 with WARD, if at all, prior to your election to
18 City Council?

19 A. They are a citizen's group, one that I
20 admire. They formed back in 2012, I think is
21 when it was. Tom and Kathy Emmer were founding
22 members. And so being a grassroots
23 organization, I admire citizens attempting to
24 engage and effect public policy.

1 So I knew and know members of WARD.
2 They have a planning group, is what they call
3 this, the leadership group. I spoke with them
4 during the Keep Worthington Beautiful campaign.
5 They were, as a group, supportive of the effort.
6 That's when I got to know them to some degree.

7 Q. I'm sorry to interrupt, but the Keep
8 Worthington Beautiful campaign, just so I'm
9 clear, you're referring to Issue 38 in 2015?

10 A. Correct. Yeah. The campaign was called
11 Keep Worthington Beautiful. It became Issue 38
12 as a ballot issue. But the campaign itself was
13 called Keep Worthington Beautiful.

14 Q. And you spearheaded that; is that fair
15 to say?

16 A. Yeah, I'd say my wife and I, but very
17 quickly it became a community effort. I think,
18 you know, just at one indication there were
19 probably 700 yard signs up by the end of the
20 campaign. It was a loosely organized campaign,
21 volunteer group entirely, and I was happy to be
22 a part of that.

23 Q. You know and I know, but for the record,
24 how would you describe Issue 38? What did it

1 seek to do? what did it achieve?

2 MR. SCHUMACHER: Objection. Compound
3 question. Which question are you asking?

4 Q. Did you understand my question?

5 A. Not really. It's multiple, it sounded
6 like, but what is the question?

7 Q. I'm just trying to help you, sir, move
8 things along, great. If your counsel continues
9 to object, it won't.

10 MR. SCHUMACHER: Excuse me, Joe. I just
11 want to make sure the record is clear, so if you
12 ask a compound question, I'm just bound to point
13 it out.

14 Q. How would you describe Issue 38,
15 Mr. Robinson?

16 A. The heart of the Keep Worthington
17 Beautiful campaign was -- I think it was the
18 heart of really an American tradition of
19 citizens seeking to have a voice in the affairs
20 of their community. It did so by amending our
21 city charter specific to the right of
22 referendum, specifically related to rezoning
23 ordinances. And it made the right of referendum
24 for rezoning ordinances an actual right; meaning

1 that, practically speaking, prior to Keep
2 Worthington Beautiful, there was a 20-day
3 effective date of rezoning ordinances. And
4 anyone who's led or gotten involved with citizen
5 initiatives or campaign efforts knows that 20
6 days is not sufficient time to organize, to
7 speak with lawyers, to get language identified,
8 to gather the seven, eight hundred signatures
9 and so forth in a matter of 20 days. If it's
10 wintertime, there's no conceivable way that can
11 be done.

12 So the simple but effective mechanism of
13 Keep Worthington Beautiful was give the citizens
14 more time, 60 days instead of 20, and not to
15 allow emergency rezoning either, rezoning. So
16 that's what it did. It really restored the
17 right of folks in the city to have a say about
18 rezoning, which is a big issue. You know,
19 rezoning often creates effectively permanent
20 change in the community.

21 Q. I've already done this at times,
22 Mr. Robinson, and I apologize for not --

23 A. I'm sorry, I wasn't done.

24 Q. Oh, go ahead.

1 A. So in sum, Keep Worthington Beautiful
2 really was about giving the people a voice about
3 matters of real concern for their community, and
4 fortunately we succeeded.

5 Q. Are you finished?

6 A. Yeah, I am.

7 Q. I've referred at times already to the
8 Lifestyle Communities property or the UMCH
9 property. I should be more clear or establish
10 this with you. When I make that reference, can
11 we agree I'm referring to the vast vacant
12 acreage across the street; is that fair?

13 A. If you refer to it as UMCH or --

14 Q. Lifestyle Communities property.

15 A. Yeah. You're referring to the -- I
16 think it's 37 and a half acres or something like
17 that, yeah.

18 Q. You'll understand that reference?

19 A. Yeah.

20 Q. And if we need to get more specific
21 about parts of it or acreage, please let me
22 know.

23 A. Okay.

24 Q. All right. Circling back for a moment,

1 we were talking about WARD. Prior to your
2 election to City Council in November of 2017,
3 were you a member of WARD?

4 A. No.

5 Q. What do you understand WARD's objectives
6 to be, as it relates to the UMCH property?

7 A. Well, I have available public statements
8 of mission and purpose. I mean, that's what I
9 would refer you to, is to understand what their
10 purpose is is just to read their documents.

11 Q. And you've read their documents and
12 understand their stated purpose?

13 A. Over the years I have. It's been a long
14 story. It's been, what, eight years or so. But
15 at some point in the past I've read their
16 purposes, yeah.

17 Q. And we'll talk about it more
18 specifically, but in general, you agree with
19 those purposes?

20 A. I'm not sure what you mean by do I agree
21 with their purposes.

22 Q. You don't know whether you do or not?

23 A. Well, the question itself, do I agree
24 with their purposes, I think I have a sense of

1 their -- what their purposes are.

2 Q. And I'm simply asking you, do you agree
3 with those purposes?

4 A. The question didn't make sense to me.

5 Q. Okay.

6 A. Like do you agree with the U.S.
7 Constitution or something like that. I
8 understand it. Do I embrace it, do I share it,
9 but agree with, it's not a --

10 Q. Okay. Do you embrace or share those
11 purposes?

12 A. Here's the way I understand -- here's
13 the way I would understand -- here's the way I
14 think about WARD, is they were asserting the
15 basic right of the citizens to be heard by their
16 city on an issue that's of real importance to
17 them. And I agree with that. The city should
18 do that. WARD and the citizenry in general
19 ought to be engaged, listened to, and really
20 fundamental to the city's position on
21 significant issues in the city. Yeah, so I
22 agree with that.

23 Q. Are you familiar with an organization
24 called Project Community Park Worthington?

1 A. I am.

2 Q. Do you consider yourself to be a member
3 of that organization?

4 A. No. I did sign their petition, along
5 with 1,200 other people or so, but they don't
6 really have a membership, per se.

7 Q. And what was set forth in that petition,
8 if you recall?

9 A. Something like this -- again, it's been
10 years since I've read the mission and the
11 elements of the petition. But essentially,
12 here's a broad stroke -- remember, this is back
13 in 2018, back when the United Methodist
14 Children's owned the property. It was three
15 years after Lifestyle's presentation at the WEC.
16 There's not been any stirrings or messages from
17 the city about the property. And so PCPW, the
18 citizens that started it and the people that,
19 you know, quickly gravitated around it, felt
20 like someone, apparently us, needs to come out
21 with an idea that -- for the property that
22 conforms with broad public opinion.

23 Q. And I don't mean to interrupt you, but
24 you said "apparently us." I took that to mean

1 the city?

2 A. No. This is PCPW, the citizens that
3 were forming it.

4 Q. Okay.

5 A. And --

6 Q. And you said "the property." I took
7 that to mean the UMCH property?

8 A. Correct.

9 Q. Okay.

10 A. Thanks for clarification.

11 Q. Go ahead.

12 A. And so they said, hey, someone needs to
13 come out with a vision, an idea, because no
14 one's speaking about this right now, not UMCH,
15 not the city. It's been three long years since
16 Lifestyle presented their idea. Let's come out
17 with something to at least stimulate dialogue.
18 And our proposed vision is -- I think they used
19 terms like a multiuse or a mixed-use outcome
20 there that had substantial commercial along High
21 Street basically conforming with existing
22 zoning. And then residential -- modest
23 residential in the northern perimeter, some
24 apartments, if I remember correctly, in with the

1 commercial properties, and then a large
2 contiguous green space in the middle that would
3 be -- I think they called it a community
4 commons.

5 And so the petition was here's our idea,
6 the outcome at the UMCH property. It ought to
7 be in the public interest, conform with general
8 public opinion, ought to be focused long-term,
9 not short-term, and here's the rough idea of
10 what we have, the commercial, the housing, the
11 green space. If you embrace and support this
12 general vision, would you sign this petition.
13 That was the gist of it.

14 Q. And you signed the petition because you
15 embraced and supported that vision?

16 A. Yeah. I supported the idea that a
17 positive idea to facilitate and really prompt
18 discussion in the community and at the city was
19 a good thing and that their basic outline was a
20 reasonable place to start because it's in
21 conformity with public opinion.

22 Q. You believe a large contiguous park on
23 the Lifestyle Communities property conforms with
24 the public vision?

1 MR. SCHUMACHER: I'm sorry. What was
2 the end of it?

3 MR. MILLER: Conforms with the public
4 vision.

5 MR. SCHUMACHER: Thank you.

6 A. The desire for green space -- and
7 contiguous -- large contiguous green space over
8 at the UMCH property is something that is widely
9 supported by the public. And that's -- I say
10 that, you know, based on a number of sources,
11 not just an anecdotal. I say it's based on, you
12 know, essentially since I started engaging the
13 issue from the meeting at the WEC, which I did
14 go to, and listened, observed. That's when I
15 got a palpable sense of public sentiment in the
16 immediate audience there, but beyond that,
17 there's been surveys. I know WARD's done a
18 couple surveys, 2013, I think, and one maybe
19 2018, with six, seven, eight hundred
20 respondents. And the desire for green space was
21 clear and unequivocal there.

22 And then the PCPW petition which readily
23 obtained -- I think the group got a
24 thousand-plus signatures in the matter of just a

1 few months. And then another indication would
2 be the letters that the city receives. Since
3 I've been on council, the one -- we receive
4 periodic letters, and then depending on what's
5 happening with city processes and whether
6 there's a proposal before the city, you know,
7 letters increase. I know back in -- I think it
8 would have been '20 -- was it '21? Yeah, '21
9 when Lifestyles had their proposal at the city
10 and it was before coming before the MPC, the ARB
11 and then council, we received 300-plus letters
12 from the public on that. And the overwhelming
13 majority -- and by that I mean, 80, 90 percent
14 of it was stark, were calling for large
15 contiguous green space, and so all indications
16 are that is broad public sentiment. And being
17 an elected official, you know, that's -- that is
18 what I feel compelled to represent.

19 Q. It's fair to say, isn't it,
20 Mr. Robinson, that you pushed for the city to
21 purchase the UMCH for years for use as parkland?

22 A. I wouldn't say that.

23 Q. Okay. We can discuss that in more
24 detail later.

1 A. Yeah.

2 Q. Let me show you, if I could --

3 MR. SCHUMACHER: Are these new?

4 MR. MILLER: Yeah.

5 --0--

6 (Deposition Exhibit 85 and 86 marked.)

7 --0--

8 BY MR. MILLER:

9 Q. I'd like to ask you first about 85. You
10 can see it's entitled UMCH Development, a
11 Multi-Use Community Center Proposal, and it says
12 it was presented by Project Community Park
13 Worthington. Do you see that?

14 A. I see it in front of me, yeah.

15 Q. And if you turn -- the pages are not
16 numbered, but if you turn to a page that begins
17 at the top, conceptual design.

18 A. It's page 7, it looks like.

19 Q. Thank you. Is this the vision you were
20 describing earlier by this organization, Project
21 Community Park Worthington?

22 A. It's a representation of it, yeah.

23 Q. And you are generally supportive of this
24 vision?

1 MR. SCHUMACHER: wait, the conceptual
2 design or the vision?

3 MR. MILLER: I believe it's under the
4 section entitled the vision; so...

5 MR. SCHUMACHER: That's page 6, I think.
6 Mine's stapled. Wait a minute. I'm just
7 saying, is it under vision --

8 BY MR. MILLER:

9 Q. Do you understand my question,
10 Mr. Robinson?

11 A. I don't even know what the question is.
12 What is it?

13 Q. Are you generally supportive of the
14 vision and the conceptual design depicted on
15 this exhibit?

16 A. Here's what I support, is I support
17 stimulating this conversation. Yeah.

18 Q. well, we can agree, can we not, that
19 your name appears near the back of this
20 document, David Robinson, along with that of
21 your wife, Lorraine Robinson, as signators to
22 that PCPW petition you mentioned earlier?

23 A. Yeah. I already said I signed it.

24 Q. And likewise, if we look at Exhibit 86,

1 do you understand this to be a handout that WARD
2 is using this fall in the 2023 campaign?

3 A. I do.

4 Q. And it contains the same conceptual
5 design?

6 A. It does.

7 Q. And I'll ask again, just because I'm not
8 sure I understand your answer. Do you support
9 this conceptual design?

10 MR. SCHUMACHER: Objection. Asked and
11 answered.

12 Q. You still have to answer, sir.

13 MR. SCHUMACHER: Yes.

14 A. As I said, I support what WARD -- or
15 what PCPW is doing here, is advancing public
16 discussion around broad, mixed-use design.

17 Q. We'll see it later, but just let me ask
18 your recollection first. Do you recall, in
19 fact, saying you support WARD and PCPW's
20 conceptual design and vision?

21 A. Repeat the question, please.

22 Q. Sure.

23 MR. MILLER: If you could read it back.

24 (Record read as requested.)

1 Q. You have said that in the past, have you
2 not?

3 A. You're talking about today?

4 Q. Do you recall ever saying that?

5 MR. SCHUMACHER: That's a different
6 question.

7 You can answer.

8 A. Yeah. I probably have said in many
9 ways -- I've talked about this issue a lot --
10 that what I support is broad public opinion
11 about a desirable outcome of the property. And
12 this vision here, my understanding what PCPW has
13 done is they have said this is a broad stroke
14 outline of an outcome of the property that would
15 conform to public opinion, public interest. I
16 support that process of engaging property owners
17 of the city and talking about this as a possible
18 outcome. I think it's got a lot of strong
19 elements to it and the mixed-use, the housing,
20 the commercial, the big green space. So I think
21 it's got some strong elements, yeah.

22 Q. Okay. You became the president of City
23 Council when, Mr. Robinson?

24 MR. SCHUMACHER: Objection. Asked and

1 answered.

2 Tell him again.

3 A. January of '22.

4 Q. And since that time, it's fair to say
5 that you control the legislative agenda for the
6 City Council for the City of Worthington?

7 A. I would not say that.

8 Q. Why not?

9 A. I'm one of seven, although I am
10 president. The actual ability to get things
11 done is dependent on a lot of factors, whether
12 ideas have support of a majority of council
13 fundamentally. And then the actual agenda is
14 prepared by the city manager on a weekly basis
15 in consultation with the president, but it's
16 really a group effort.

17 Q. Ms. Michael was the president of City
18 Council before you became the president?

19 A. She was.

20 Q. She was pretty good at blocking things
21 you wanted on the agenda, wasn't she?

22 A. I wouldn't say that.

23 Q. Okay. Or blocking legislation that you
24 wished to bring forward?

1 MR. SCHUMACHER: Objection. Asked and
2 answered.

3 A. I wouldn't say that.

4 Q. Okay.

5 A. In fact, Ms. Michael and I, we had a
6 cooperative relationship in many ways.

7 --0--

8 (Deposition Exhibit 87 marked.)

9 --0--

10 BY MR. MILLER:

11 Q. What is Exhibit 87, if you know,
12 Mr. Robinson?

13 A. What is it?

14 Q. Yes.

15 A. It is a four-page memo titled UMCH
16 Responsibility and Accountability by David
17 Robinson, 6-24-15.

18 Q. And you authored this document?

19 A. That is correct.

20 Q. Why?

21 A. I'm going to look it over here.

22 Q. Oh, absolutely. As with any document I
23 hand you today, take what time you need to
24 familiarize yourself with it.

1 A. Yeah. It's eight years old, so let me
2 look it over.

3 Q. Certainly.

4 THE WITNESS: Can I make notes to myself
5 on a separate piece of paper?

6 MR. SCHUMACHER: You don't need to make
7 notes.

8 THE WITNESS: This is a complicated
9 thing. I want to organize my answer to this
10 question.

11 MR. MILLER: There's no question
12 pending.

13 MR. SCHUMACHER: I was going to say,
14 wait for the question, and then we'll see what
15 we need to do.

16 THE WITNESS: Okay.

17 Okay. Ready for a question.

18 BY MR. MILLER:

19 Q. Do you recall why you authored this
20 document?

21 A. This was back in June of 2015. It
22 was -- I don't remember the exact date of the
23 Lifestyle presentation at the WEC. I think it
24 might have been right before this or right

1 around this time. And that was when the Keep
2 Worthington Beautiful campaign was -- again, I
3 don't remember the exact timing of it, but it
4 was around the same time when the start of that
5 effort was happening. And apparently, reading
6 here, the May 18th council meeting UMCH was
7 discussed, and I think the effort here was to --
8 when the audience was both the City Council,
9 ARB/MPC, staff, and the public, to make several
10 points. I mean, the first would be to get city
11 officials to acknowledge that they aren't simply
12 passive in this whole process, but have a
13 responsibility to the public.

14 Q. And, in fact, I don't mean to interrupt
15 you, but is one way in which --

16 MR. SCHUMACHER: You --

17 Q. I want to ask you about this point
18 specifically.

19 MR. SCHUMACHER: Let him finish his
20 answer, Joe. That's only fair.

21 A. I'm thinking and now you've disrupted.
22 I'm trying to make a coherent answer to your
23 question.

24 So -- so back to 2015, council,

1 public -- because there was a sense I know in
2 the public that our elected officials and city
3 were acting like they had no responsibility or
4 capacity to affect the outcome at the UMCH
5 property. And so that was the -- I think the
6 first point here was you -- and I'm talking to
7 elected officials and staff -- you can't act
8 like you're helpless here and you don't have a
9 role and responsibility. You do. And a
10 significant issue there was the zoning, because
11 the -- there is existing zoning. That's the
12 status quo. And the proposal is calling for
13 specific action on the part of the city to
14 rezone the property, and that is where the
15 city's responsibility enters. That point needed
16 to be made, because it was being ignored and
17 side-stepped. So that was the first point, was,
18 hey, this is going to require conscious decision
19 on the part of elected officials and staff if
20 we're going to have this happen.

21 And -- and importantly, the third point
22 I made in here was that pointing to the
23 September 2014 amendment to the comprehensive
24 plan, which claimed in the text itself to be a

1 consensus document -- and to me, the way I read
2 that, is if something claims to be a consensus
3 document, it's claiming an authority, and from
4 all that I had seen and heard at that point in
5 time, that wasn't the case. And so I was
6 reminding, calling attention of this to the
7 public that, hey, you shouldn't allow yourself
8 to be gaslighted. You can believe your own ears
9 and eyes and conversations with neighbors that
10 you're not alone, that there's widespread desire
11 for a more sensible, compatible outcome at this
12 property. And that just because the comp update
13 claims that it's a consensus doesn't mean that
14 it is. And back then 2015 that was -- that was
15 a message that hadn't been voiced before, and I
16 felt needed to be. And the city itself needed
17 to hear that, too, that there are members of the
18 public, myself included -- and bear in mind,
19 this is 2015. I was a citizen, and attempting
20 to weigh in and effect public processes for the
21 good of the community.

22 So that was the gist of it. It was a
23 message to the public and a message to council.
24 I don't remember where or how it was -- I

1 probably sent it to some folks by email, but it
2 was pre-blog days, so I didn't put it up then.
3 But that's what it is.

4 Q. Fair to say you did not care for the
5 conclusions of the 2014 MKSK comp plan update?

6 A. I wouldn't answer in a universal way
7 like that. There were elements that I think
8 were reasonable. It's been years since I've
9 read it, but some of the things I remember was
10 saying that, for instance -- I think the
11 emphasis on commercial along High Street was of
12 sound, and then there was some language in there
13 that talked about green space and it needing to
14 be somehow in relationship to density and
15 contiguous. I mean, much of that is open to
16 interpretation and needs to be specifically
17 proposed.

18 But there were also parts of the 2014
19 plan that I thought, again, were not
20 justifiably, call it, consensus. Some of the
21 visuals which I don't -- in some ways are hard
22 to square with some of the text. The visual
23 shed a lot of density in the middle and not the
24 large contiguous green space that I think the

1 public wants. So it was kind of a mixed bag, I
2 would say.

3 Q. And you wanted to call out to council in
4 this document, on the first page, at the end of
5 the first paragraph so which I'm pointing near
6 the bottom, quote, and to prevent apartments,
7 all the council needs to do is table any
8 rezoning motion that includes the apartments, or
9 more boldly, vote no?

10 A. What about it?

11 Q. You wanted council to know that, that
12 was of interest to you?

13 A. Yeah, this fits in with not wanting
14 council to act like that they had no capacity
15 and responsibility to act on this issue. And
16 that -- I know that may sound, you know,
17 farfetched. But if you go back and watch -- and
18 I don't think they are actually archived. But
19 if you go back and read transcripts for the many
20 folks in the public, there was frustration that
21 council wasn't acknowledging that for
22 development outside of existing zoning to happen
23 at the property, they would have to -- they
24 meaning council -- would have to consciously

1 choose and do something. And sounds elemental,
2 and it is. But that was the important point to
3 make is please don't act like a development is
4 going to happen outside of existing zoning
5 willy-nilly. It's going to happen, if it does
6 happen, because you consciously choose to do so,
7 and that's -- that's the -- I think the intent
8 of that sentence there.

9 Q. And for years, you chose to seek to
10 rescind the 2014 comp plan update?

11 A. Just for time reference, the document we
12 were just looking at was written back in 2015,
13 when I was, you know, not on council. I got
14 onto council in 2018. And so I don't know
15 whether my public statements began before being
16 on council or when I was on council, but I
17 have -- I have voiced in a number of ways my
18 belief that the 2014 comp plan update is not the
19 consensus document it claims to be, and that all
20 parties would be better off if the comp plan
21 reflected the broad public consensus, and
22 therefore, we ought to amend it, change it,
23 update it.

24 Q. And ultimately, in 2022, you were

1 successful in that regard?

2 A. In January of '22, yes, council -- I
3 brought to council first the proposal that we
4 enact by ordinance a moratorium which would have
5 a life if it had passed and it did not. As an
6 example --

7 THE REPORTER: I'm sorry?

8 Q. I'm not trying to interrupt, but I
9 didn't hear you. If you could speak to the
10 moratorium again.

11 MR. SCHUMACHER: What's the question?
12 Can we have the question read back?

13 (Record read as requested.)

14 A. Short answer is in '22, January of '22,
15 a majority of councilmembers did vote to update
16 the comp plan. Yeah, that would be the short
17 answer.

18 Q. I'll give you a chance to give a longer
19 answer on those subjects later.

20 THE WITNESS: Can we take a break?

21 MR. MILLER: Sure.

22 (Recess.)

23 --0--

24 (Deposition Exhibit 88 marked.)

2 BY MR. MILLER:

5 MR. SCHUMACHER: Hang on a minute.

11 A. Yeah.

12 MR. SCHUMACHER: Hang on a second.

13 MR. MILLER: Ready, Paul?

14 MR. SCHUMACHER: Yeah.

15 BY MR. MILLER:

16 Q. Mr. Robinson, this email exchange
17 predates your time on council; is that fair to
18 say?

19 A. Yeah. It's 2016.

20 Q. If we look at the second page, which is
21 actually the earliest email, does this appear to
22 be an email that you sent to Ms. Michael and
23 Mr. Greeson on July 29th, 2016?

24 A. From the heading signature, yeah, but

1 the content I'm looking at right now, if you're
2 going to follow up with a question.

3 MR. SCHUMACHER: Go ahead and read it.

4 A. Okay. So what about the July 29?

5 Q. Let me start with a few easy questions.
6 I think I know most of these, but can you help
7 me with the alphabet soup of acronyms in the
8 next-to-last paragraph of your email on the
9 second page. We discussed WARD, correct, just
10 in terms of what it stands for?

11 A. Yeah, so there's WARD, and OWA stood
12 for -- they're no longer in existence -- Old
13 Worthington Association. KWB was Keep
14 Worthington Beautiful.

15 Q. I'm sorry to interrupt, did you and your
16 wife found that organization?

17 A. Which one?

18 Q. Keep Worthington Beautiful.

19 A. We talked about that before. It was a
20 citizen-led group. I was there with a number of
21 people initiating the campaign. That was the
22 campaign that became Issue 38.

23 Q. CHW?

24 A. Looking at CHW and WWR, I do not

1 recognize those, but then I'm looking at the end
2 of that sentence and it says Colonial Hills. So
3 maybe CH refers to something about Colonial
4 Hills Worthington. I don't know. And then WWR,
5 honestly, I don't even remember.

6 Q. I'm not trying to cherry-pick words, and
7 you've had a moment to review the email, but for
8 instance, in the second sentence of the email
9 you say, we're glad that you and councilmembers
10 are reviewing our letter, and you described
11 those acronyms you say would be part of our
12 contingent. If you recall, on whose behalf were
13 you acting and sending this email?

14 A. I don't even remember writing this
15 email, to be honest. I mean, when I read it
16 now, I understand what was going on. I think it
17 was representative of what was going on back
18 then, is that the citizens didn't feel listened
19 to by their own government.

20 So as the text itself reads, there was
21 an effort by these groups to meet with city
22 officials. So I would assume that the effort
23 was for just that, is for representatives from
24 citizens groups to meet with council.

1 Q. In fact, if we look at the first page of
2 the exhibit at the bottom, does it appear as
3 though you had follow-up with Ms. Michael and
4 Mr. Greeson on August 4th, 2016?

5 A. The question again, please.

6 (Record read as requested.)

7 A. That's correct.

8 Q. And you informed them in the second
9 paragraph that one thing the residents wish to
10 discuss with the city was the acquisition of
11 green space at UMCH?

12 A. That's correct. That would be in
13 conformity with what residents had been talking
14 about for many years, so it doesn't surprise me
15 that would be one thing we'd want to talk about.

16 --0--

17 (Deposition Exhibit 89 marked.)

18 --0--

19 BY MR. MILLER:

20 Q. You've been handed a three-page exhibit
21 we've had marked as Exhibit 89. Feel free to
22 take what time you need to review the document.

23 Just let me know, Mr. Robinson, when
24 you're prepared to proceed.

1 A. I will.

2 Okay. What was the question, please?

3 Q. As may often be the case, I'd like to
4 direct your attention to the last page of the
5 exhibit since it reflects an email chain going
6 back and forth.

7 A. Okay.

8 Q. Does that appear to be an email that you
9 had sent to Bonnie Michael on December 31st,
10 2017?

11 A. Yes.

12 Q. And so this was prior -- this was after
13 you being elected to council, but prior to you
14 taking the oath of office; fair to say?

15 A. That's correct.

16 Q. And you're describing a phone
17 conversation you had with Ms. Robinson on
18 12-29-17?

19 A. Ms. Michael.

20 Q. Excuse me. I misspoke. Ms. Michael.
21 Forgive me.

22 A. Yeah, correct. It was me emailing to
23 her just recapping the -- I don't know whether
24 it was an actual conversation or voice mail or

1 both. Yeah. So that was sent December 31st,
2 2017.

3 Q. Okay. And if we look at that final
4 paragraph of the email, you wrote that when you
5 two spoke you said, quote, I asked her to agree
6 to put on the City Council agenda for discussion
7 at the 1-8-18 meeting the topic of the UMCH
8 portion of the comprehensive plan. She declined
9 to do so.

10 Do you see that?

11 A. I do. Yeah.

12 Q. What do you recall about that
13 conversation with Ms. Michael?

14 A. Nothing. Actually, I would not have
15 remembered it if you hadn't put this document in
16 front of me. Yeah.

17 Q. You don't recall why you were asking her
18 to put that on the council agenda?

19 A. Well, because the comprehensive plan,
20 the UMCH portion of the comprehensive plan, as
21 the many documents you're putting in front of me
22 today attest, I had felt it to be not
23 representative of public opinion.

24 Q. Okay. Do you recall why she declined?

1 A. Just take her at her word here. She
2 felt it could be discussed more applicably at
3 the retreat. I think probably six weeks later,
4 apparently, is what it was, based on what I read
5 here in this email.

6 Q. And was it discussed at that retreat, if
7 you recall?

8 A. I don't recall. I would guess it would
9 have been, but I do not recall.

10 Q. With regard to the UMCH property, we've
11 looked at some emails from 2016, and then you
12 were elected in the fall of 2017. How, if at
13 all, would you describe your role or your
14 advocacy to the city in the interim, from 2016
15 until your election in the fall of 2017, as
16 relates to the UMCH property?

17 MR. SCHUMACHER: Objection. Compound.

18 A. What is the question, please?

19 Q. How would you describe your role, if
20 any, as relates to advocacy related to the UMCH
21 property from 2016 until your election in the
22 fall of 2017?

23 A. I don't have vivid recollections.
24 Again, it's been a long, complicated story, and

1 what happened after the passage of Keep
2 Worthington Beautiful and my election, I don't
3 have clear memory.

4 Q. But you, in fact, wrote the email that
5 is on the first page of Exhibit 89 on January
6 2nd, 2018, to Ms. Michael?

7 A. Yeah. Sure.

8 Q. With a CC to Mr. Greeson and Ms. Stewart
9 and Mr. Myers?

10 A. Yeah.

11 Q. Is Ms. Stewart still employed by the
12 City of Worthington?

13 A. She is.

14 Q. What is her role today, as you
15 understand it?

16 A. She is the acting city manager and has
17 been since mid December of '22.

18 Q. The city has not hired a full-time city
19 manager to replace Mr. Greeson?

20 A. That's correct.

21 --0--

22 (Deposition Exhibit 90 marked.)

23 --0--

24

1 BY MR. MILLER:

2 Q. Take what time you need to review the
3 document, and let me know when you're prepared
4 to proceed.

5 A. I will.

6 Okay. I think I have a rough
7 recollection of what this is about.

8 Q. Does Exhibit 90 appear to reflect emails
9 from you to Mr. Greeson in which you requested
10 an analysis from him and his staff that, in
11 part, examined the city's potential acquisition
12 of the UMCH property and its green space?

13 A. What I recall about this was at the
14 retreat there was discussion about the UMCH comp
15 plan and whether we as a council and staff would
16 look at updating it separate from or as part of
17 a comp plan review, or not at all.

18 As part of that conversation, and really
19 motivated by, I'd say, an ongoing perspective of
20 mine is that we need informed -- we need
21 information and facts to be able to talk
22 intelligently with the property owner, any
23 prospective developers, with the public about
24 outcomes at UMCH rather than, you know, broad

1 assertions.

2 And so in an effort to be able to have
3 rational, informed discussion about the UMCH
4 property, I had asked staff -- and apparently,
5 if I'm reading this email correctly, apparently
6 enough support from council that we had directed
7 staff to propose a way of providing some
8 information to us. And that was the heart of
9 it, is really to give us some informed
10 information about different outcomes at the
11 property, what that would do to city finances.
12 And that was the motivation and intent of the
13 email.

14 Q. And one requested outcome to be analyzed
15 was potential acquisition of the property and
16 use of the majority of it as parkland, correct?

17 A. That's not my recollection. My
18 recollection was the thrust of the request was
19 impacts of different types of outcomes. You
20 know, basically a commercial, residential and
21 green space and without a focus on questions of
22 ownership and development and so forth, but just
23 in terms of outcome. I think the result was the
24 cost-to-serve analysis which looked at impacts

1 on city budget, you know, and excluding a lot of
2 other considerations, but that was the thrust of
3 this, was that gave us a starting point for
4 looking at the impact on city budget so people
5 don't just make assertions without a basis.

6 Q. Would you agree that Mr. Greeson did not
7 act promptly upon your request?

8 A. He's a busy guy, was a busy guy.

9 Q. You would agree with that?

10 A. You know, it's -- city government's got
11 a lot going on all the time, and I did send a
12 follow-up email prompting him further, but
13 that's not unusual in city government.

14 Q. In fact, the first email -- excuse me,
15 the first page of Exhibit 90 is a follow-up
16 email to Mr. Greeson on March 19th, 2018,
17 correct?

18 A. That's right.

19 Q. Okay.

20 --0--

21 (Deposition Exhibit 91 marked.)

22 --0--

23 THE WITNESS: Is the second email on
24 here the same as what was in there?

1 MR. MILLER: I believe it is. I'll be
2 asking you about the first two pages.

3 MR. SCHUMACHER: Good thing you brought
4 your reading glasses. Make sure.

5 THE WITNESS: Yeah.

6 Do you know where that sound is coming
7 from? It's kind of bothering me.

8 MR. SCHUMACHER: I think it's the
9 conference room over there.

10 (Pause.)

11 BY MR. MILLER:

12 Q. My first question concerning Exhibit 91
13 is it appeared you had to follow up with
14 Mr. Greeson again regarding this requested
15 analysis on May 23rd, 2018?

16 A. Yeah. As I said, Matt was a busy guy,
17 and I wrote to him a number of times about this
18 issue.

19 Q. But in fact, on the second page, you
20 told him that the significance of success at
21 UMCH warrants the highest degree of attention on
22 your part, did you not?

23 A. Yeah, but bear in mind, I'm one of seven
24 councilmembers and I was newly elected, and the

1 city manager's a busy guy and I was doing what I
2 could to get his ear and -- and make my point
3 with him.

4 Q. But that's certainly what you thought
5 and believed at the time, that it warranted the
6 highest degree of attention on his part?

7 A. Yeah, I was trying to get his attention.
8 Yeah.

9 Q. If you take a look at this paragraph,
10 Mr. Robinson, on the second page, the second
11 full paragraph, which begins, the context of
12 this email for me...

13 A. Uh-huh.

14 Q. Does that describe in part your
15 motivation for obtaining this analysis?

16 A. Yeah, the broad picture for years is
17 that the public -- and bear in mind, I was newly
18 elected to represent the public, and public for
19 years had been asking for and frustrated that
20 they hadn't obtained information that would
21 relate to different outcomes at the property
22 that they felt was important for them to be
23 informed and be able to be part of rational
24 conversations with folks. And so that's really

1 what I was doing. I was advocating on behalf of
2 residents trying to get information and response
3 from City Council and the city.

4 You know, back in 2015, the frame not
5 listening, you know, the other half of that was
6 you're not talking with us. So really I was
7 just trying to get informed dialogue and
8 information moving between the city government
9 and the public they serve.

10 Q. Is that to what you were referring when
11 you said in the next paragraph, I will not allow
12 myself to become complicit in enabling the
13 status quo to remain unchallenged?

14 A. I wanted to be true to my pledges and
15 commitment to the public that I made during my
16 campaign, and that was that I would represent
17 them actively in the city government and not
18 simply become part of the city government that
19 there was a lot of frustration about, and that
20 requires intentional mindfulness as an elected
21 official, is to remain in touch with the public
22 you're serving. It's not an easy thing to do.

23 Q. You conclude that sentence by saying, as
24 we move toward public frustration and probable

1 dispute. what did you mean by probable dispute?

2 A. In some ways that was probably an
3 understatement because dispute and conflict was
4 already existing, expressed frustration by the
5 public about their city government.

6 Q. I just want to understand, over the UMCH
7 property?

8 A. Over the city's lack of clear engagement
9 with the public about the UMCH property. You
10 know, there were other issues certainly, but
11 that's the most pointed one.

12 --0--

13 (Deposition Exhibit 92 marked.)

14 --0--

15 BY MR. MILLER:

16 Q. You let me know when you're ready to
17 proceed, Mr. Robinson.

18 A. I will.

19 okay.

20 Q. Does this refresh your recollection that
21 you actually considered yourself to be a member
22 of and advocate for Project Community Park
23 worthington?

24 A. Yeah. The email reminds me about my

1 first outreach to council about the group and
2 telling them about my being asked by some of
3 them to be part of talking about the issue
4 publicly and how I shared the mission statement
5 and principles of the group with council. Yeah.

6 Q. This is an email that you asked
7 Ms. Thress to send to City Council members on
8 August 29th, 2018, correct?

9 A. Yeah. Kay Thress, yeah. Corporate
10 counsel.

11 MR. MILLER: Let's mark this as 93.
12 Paul, I do not have another copy. Take whatever
13 time you need.

14 --0--

15 (Deposition Exhibit 93 marked.)

16 --0--

17 BY MR. MILLER:

18 Q. You have in front of you Exhibit 93.
19 I'll represent to you that that is Project
20 Community Park Worthington's mission and guiding
21 principles as of this week, probably as
22 evidenced to you by the tagline on the back.
23 Take what time you need to review the document,
24 but I simply want to ask if you still today

1 strongly support this group's mission as well as
2 its guiding principles.

3 A. Okay. Repeat the question, please.

4 (Record read as requested.)

5 A. It's been five years since the group was
6 formed, and since I sent that email.

7 MR. SCHUMACHER: Exhibit 92?

8 A. Yeah, 92. Now I'm one of seven
9 councilmembers. What I do support here is the
10 right of the citizen's group to advocate like
11 this. But five years have elapsed, and we're in
12 a very different context now than back in 2018.
13 Property was owned by UMCH. Yaromir Steiner
14 might have been involved at that time, but I
15 don't remember exactly. Today, you know, we're
16 under litigation, and my perception of what this
17 means is quite different.

18 Q. Well, I don't want to intrude upon
19 anything that you may have learned from your
20 counsel about litigation. But is it fair to say
21 you can't agree with this statement you strongly
22 support this group's mission as well as its
23 guiding principles?

24 MR. SCHUMACHER: Objection. That's

1 compound.

2 A. The question again, please?

3 Q. Sure.

4 MR. SCHUMACHER: It is.

5 Q. So you're saying you can't say today
6 that you strongly agree with the mission and
7 guiding principles set forth in Exhibit 93?

8 A. The way I respond to this document is
9 that I respect and support the right of the
10 citizen's group to continue to advocate for
11 this, and as an elected official, it's important
12 for me to let them know that I support their
13 right to do this.

14 Q. Well, as an elected official in 2018,
15 you told your fellow elected officials that you
16 strongly support this group's mission as well as
17 its guiding principles. You're not willing to
18 say that's still so today?

19 MR. SCHUMACHER: Objection. Compound.

20 A. Yeah, what is the question?

21 MR. MILLER: He's taking instruction
22 from you exceedingly well, Paul. The fact of
23 the matter is, you should trust your witness
24 more to answer questions.

1 MR. SCHUMACHER: Move to strike the
2 comments from counsel. You asked him two
3 questions, Joe. I want to make sure that I keep
4 the record clear.

5 BY MR. MILLER:

6 Q. In 2018, you said that you strongly
7 support this group's mission as well as its
8 guiding principles.

9 A. Uh-huh.

10 Q. You need to answer yes or no.

11 A. The question did I say that in 2018?

12 Q. Yes.

13 A. In writing here in my email, that's what
14 it says. The actual quote is --

15 Q. I strongly support this group's mission,
16 as well as its guiding principles.

17 A. Okay.

18 Q. And I understand your prior answer
19 completely.

20 A. Yeah.

21 Q. But my question is -- yes or no --
22 today, do you strongly support this group's
23 mission, as well as its guiding principles?

24 MR. SCHUMACHER: Objection. Asked and

1 answered.

2 A. Yeah. As a city councilman, I respect
3 and support their right to advocate, and that's
4 my primary function as an elected official, is
5 to let them know that.

6 Q. And that answer sounds like a
7 politician, respectfully, sir.

8 MR. SCHUMACHER: Objection. Move to
9 strike the comment of counsel.

10 Q. I'd like to show you what's been
11 previously marked as Exhibit 31.

12 MR. SCHUMACHER: Hang on.

13 MR. MILLER: I haven't asked a question
14 yet, Paul.

15 MR. SCHUMACHER: I know. I just want to
16 make sure it's efficient and I have the exhibit
17 in front of me before the question is asked.

18 THE WITNESS: Do I leave this in here?

19 MR. MILLER: You can take it out if it
20 makes your review easier.

21 THE WITNESS: Do you need to take a
22 picture of this?

23 MR. SCHUMACHER: No. I have it.

24 THE WITNESS: Oh, okay.

1 Okay. I think I have a slight
2 recollection now of the document.

3 BY MR. MILLER:

4 Q. What is Exhibit 42, to your knowledge
5 and recollection?

6 A. The title reads Summary of Phases for
7 Development of the UMCH Property. It was
8 prepared by a guy name Florey, who appears to be
9 legal counsel.

10 Q. Do you know Mr. Florey?

11 A. I know him superficially. A friend of a
12 friend. Someone who was involved with Project
13 Community Park Worthington knew Mr. Florey. And
14 in the citizens not being professionals, not
15 being lawyers, developers, city staff had
16 received questions from other citizens about,
17 hey, your idea for the UMCH property -- you
18 know, we haven't heard anything for years. Your
19 idea seems sensible. How would it actually
20 happen? What would this take for this to
21 happen? UMCH owns the property.

22 Q. I'm sorry, I'm making a face because I'm
23 trying to understand your answer. You referred
24 to your idea made sense. Who are you speaking

1 on behalf of or to whom are you referring?

2 A. I'm describing the -- the -- the Project
3 Community Park leaders at the time, the folks
4 who were promoting the idea of -- a positive
5 idea, I would say, of a vision for the UMCH
6 property, received questions how would this
7 happen. And so my understanding is that
8 Mr. Florey, who's a lawyer apparently involved
9 in some way or in some capacity with the zoning
10 and land use, prepared this for the Project
11 Community Park folks just saying here's how your
12 idea is not just fanciful, but a way that this
13 could be realized.

14 Q. And you received it at some point,
15 Exhibit 32?

16 A. I don't know.

17 Q. You don't recall?

18 A. I don't recall. I do recall discussing
19 it, but I don't know if I ever actually got the
20 document.

21 Q. You recall discussing with other
22 councilmembers, correct?

23 A. I don't recall that. I recall talking
24 about it as a citizen with other citizens.

1 Q. What other citizens are you thinking of?

2 A. Well, the Project Community Park folks,
3 some of the people that were involved early on
4 with forming the group.

5 Q. Could you take a look at Exhibit 42. It
6 appears to be in that same binder. Does this
7 refresh your recollection that you did, in fact,
8 share Exhibit 32 with other members of council?

9 A. It looks like this is saying that in
10 2020 I shared it with Steve Bucher.

11 Q. That was my question, is it your
12 recollection that you shared this with other
13 members of council?

14 A. I'm trying to understand the document
15 here. Yeah, that's correct. Yeah, shared it
16 with one City Council member.

17 Q. Any others, to your recollection?

18 A. I don't recall.

19 I have to go to the bathroom again.

20 MR. MILLER: Sure. Any time.

21 (Recess.)

22 BY MR. MILLER:

23 Q. I'd ask in that same binder, sir, if
24 you'd turn to 32.

1 This is a big one. You can take what
2 time you need to review the document. Although
3 we'd be here through dinner if you do. Let me
4 ask my question first, and then see if you can
5 answer it.

6 At long last, is this the memo and
7 analysis you asked Mr. Greeson for related to
8 alternatives for the UMCH property?

9 MR. SCHUMACHER: Object to form.

10 MR. MILLER: He agrees with the form.

11 MR. SCHUMACHER: I'm just objecting to
12 the form of the question.

13 MR. MILLER: I'm joking.

14 BY MR. MILLER:

15 Q. Go ahead, Mr. Robinson. Go ahead and
16 answer.

17 MR. SCHUMACHER: I thought there was no
18 joking.

19 A. Could you repeat the question?

20 Q. Sure. Does this appear to be the memo
21 and analysis of options for the UMCH property
22 that you had been asking Mr. Greeson to prepare?

23 A. The reason why I'm answering carefully
24 here is because this is not exactly what I asked

1 for, but it is the -- this is the output that
2 eventually emerged from the city in response to
3 the issue that had been raised and discussed at
4 the retreat, I think -- geez -- 11 months
5 before. That I had followed up on several -- on
6 several occasions with the purpose of giving
7 council and the public information so they could
8 think intelligently about impacts of different
9 outcomes at the UMCH property.

10 And if I remember correctly, this is
11 what is called a cost-to-serve analysis, so it
12 was limited and focused upon impacts on the city
13 budget in terms of expenses or costs related to
14 serving different types of outcomes, commercial,
15 residential, green space, as well as projections
16 about different forms of revenue and so forth.
17 So that was -- this was what they produced.

18 Q. How was it not exactly what you were
19 expecting, or how, if at all, in your opinion,
20 did it miss the mark?

21 A. Well, first of all, my reaction was one
22 of gratitude that, in fact, even this had been
23 prepared. This was good information, more than
24 had been prepared and delivered by the city to

1 the public beforehand. So it was worthy in that
2 sense. And back in 2019, you know, was a good
3 starting point. Obviously, and this was, I
4 think, acknowledged in here, and acknowledged in
5 some of my earlier emails as to what a realistic
6 expectation was. There are many other facets
7 of -- to consider, you know, when looking at
8 development, traffic, so forth, that were not
9 included in this analysis; so...

10 Q. Do you recall that this memo, Exhibit
11 32, caused you to ask several follow-on
12 questions of Mr. Greeson and city staff?

13 A. I don't, but I'm not surprised, being an
14 inquisitive person, I'm not surprised that I had
15 follow-up, but I don't remember if I did or not.

16 Q. Do you recall that Exhibit 32 did not
17 evaluate Lifestyle Communities' plan for the
18 property?

19 A. I do not, but I believe you, if you're
20 telling me that.

21 Q. Would that have been in line with your
22 expectations that was not what you were asking
23 of Mr. Greeson, but he was to look at other
24 alternatives?

1 A. Yeah, the idea was not -- I think the
2 basic impulse was to look at development
3 outcomes generally and not specifically, and
4 sort of in categories. I think the way the
5 paper was prepared was in terms of residential,
6 commercial, green space, and without reference
7 to specific proposals.

8 Q. Take a look at page 4, if you would.

9 A. Of Exhibit 32?

10 Q. Yes. Excuse me.

11 A. Okay.

12 Q. You see scenario 4, primarily park WARD
13 proposal?

14 A. I do.

15 Q. And it says, park 25.5 acres?

16 A. Okay.

17 Q. Do you understand that to be consistent
18 with what WARD is proposing?

19 A. I don't know that WARD -- frankly, I
20 didn't think WARD had specific acreage. Maybe
21 they have, but I'm not aware of it; so...

22 Q. You don't recall whether they have
23 previously proposed acreage similar to this in
24 addition to the Tucker Creek ravine as part of a

1 public park?

2 A. I don't recall. Again, this was four
3 years ago now. I don't recall. I suppose
4 probably the thing to do would be to ask Robyn
5 Stewart who prepared this, you know, what -- on
6 that; so...

7 Am I done with this exhibit?

8 Q. I think so, sir.

9 ==0==

10 (Deposition Exhibit 94 marked.)

11 ==0==

12 BY MR. MILLER:

13 Q. I don't outset -- and I don't want to
14 rush your review.

15 A. That's all right. I'm looking at the
16 dates here.

17 Q. I was just asking can we agree Exhibit
18 94 is dated January 31, nine days -- excuse me,
19 they're in different years.

20 A. Yeah.

21 Q. But this was a communication put out by
22 Mr. Greeson to city councilmembers to provide
23 responses to questions you posed regarding the
24 UMCH comprehensive plan update?

1 A. What's the question?

2 Q. Let me ask it like this: Do you believe
3 that Exhibit 94 was produced by Mr. Greeson in
4 response to questions that you posed related to
5 Exhibit 32?

6 A. Okay. I've looked at it a little bit.

7 MR. MILLER: If you could read the
8 question back, Rhonda.

9 (Record read as requested.)

10 A. That's what the text says, so I accept
11 that as what this is, yes.

12 Q. Can we agree that in bold in Exhibit
13 Number -- excuse me?

14 A. 94.

15 Q. 94. Thank you.

16 -- are the questions you posed to
17 Mr. Greeson and below those are answers that he
18 provided?

19 A. It looks like my writing.

20 Q. And if we look at the second page of the
21 exhibit, which is actually the first page of
22 Mr. Greeson's memo dated 1-31-2020 --

23 A. Uh-huh.

24 Q. -- at the bottom of that page he stated

1 that, until amended, replaced or appealed by
2 council action, the UMCH comp plan update
3 remains a part of the adopted policy framework
4 by which development is and would be reviewed.

5 Do you see that?

6 A. I do.

7 Q. And you have made that statement in the
8 past to citizens when they inquired as to how
9 development needed to be evaluated on Lifestyle
10 Communities' property, correct?

11 A. What's the question?

12 Q. You have likewise told citizens when
13 they've inquired that Lifestyle Communities'
14 application needed to be evaluated against the
15 comp plan update as relates to that property?

16 A. I wouldn't have used those words.

17 Q. Okay. You, in fact, would have used in
18 the past the words Lifestyle Communities has a
19 vested interest or a vested right in that comp
20 plan update, correct?

21 A. I don't recall saying that.

22 Q. You don't recall one way or the other?

23 A. Correct. I mean, my understanding of
24 the comp plan is it's part of the city's

1 planning process and goals, and that's how I
2 think of it.

3 Q. If you turn to the third page of
4 Mr. Greeson's memo. It's number 3 at the
5 bottom.

6 A. Okay.

7 Q. And I'm not trying to cherrypick
8 language, but I do want to ask you about one
9 thing set forth in this memo. Specifically --
10 forgive me for approaching the witness here --
11 if you look at the second-to-last full
12 paragraph, near the bottom of this page,
13 Mr. Greeson has written, council has in recent
14 years discouraged staff from proactively working
15 with LC.

16 Do you see that?

17 A. I see that.

18 Q. Did you understand that to be a true
19 statement?

20 MR. SCHUMACHER: That wasn't the full
21 sentence. I'll just make a note.

22 MR. MILLER: Okay.

23 BY MR. MILLER:

24 Q. Did you understand that to be the case,

1 Mr. Robinson?

2 A. I don't remember -- again, this is years
3 ago, and I don't remember reading it back then.
4 I don't know what my reaction was then. And so
5 I don't -- I don't have anything to say that. I
6 mean, I do know that there was a desire to have
7 as much public engagement as possible on the
8 issue of the UMCH property and to have
9 discussions at public meetings, and that might
10 be what he is referring to, but you'd have to
11 ask Mr. Greeson.

12 Q. Are you aware that ultimately city staff
13 would not meet with Lifestyle Communities'
14 representatives outside of public meetings?

15 MR. SCHUMACHER: Objection.

16 A. When are you talking about and --

17 Q. Were you ever aware of that fact?

18 A. I wouldn't phrase it that way. Again,
19 my recollection was because the public was so
20 interested in the issue, that there was a
21 governing idea that we need to talk about these
22 things in public. And that's what I recall.

23 Q. You're aware in matters of development
24 city staff often gives informal feedback to

1 developers outside of public meetings, correct?

2 A. I'm not very intimately aware of how
3 staff interacts with developers.

4 Q. You just don't know?

5 A. I really don't know the details of the
6 process, no. I would have felt the idea that
7 having public discourse with UMCH and/or LC on
8 this issue would be a good idea and have public
9 discussions.

10 Q. And you would support staff not
11 interacting informally outside of public
12 meetings with Lifestyle Communities'
13 representatives?

14 A. I wouldn't make a blanket statement like
15 that, no.

16 ==0==

17 (Deposition Exhibit 95 marked.)

18 ==0==

19 A. Let's see. Back to 2019. Okay.
20 okay.

21 Q. As a savvy witness, I note that you read
22 this document from the last page forward. I
23 want to refer you to that next-to-last page, and
24 in particular what appears to be an email

1 exchange, an email that you sent to Bonnie
2 Michael on April 17th, 2019. Do you see that?

3 A. Yes.

4 Q. Mr. Greeson had informed councilmembers
5 below that that Steiner & Associates is no
6 longer pursuing UMCH as a development
7 opportunity.

8 Do you see that?

9 A. I do.

10 Q. You wrote to Ms. Michael, I'd like to
11 discuss this with you at the earliest possible
12 date, ideally with Scott and/or Matt, but most
13 important to me is that we talk soon.

14 Do you see that?

15 A. I do.

16 Q. Why was that? Did you want to move
17 quickly to see if the city could acquire the
18 property?

19 A. That was two questions. Why did I send
20 the email?

21 Q. You can answer that one if you'd like,
22 Mr. Robinson.

23 MR. SCHUMACHER: Doing my job for me.

24 A. Well, again, this was four and a half

1 years ago. What I remember is when Yaromir
2 Steiner emerged as possibly being involved with
3 development at the UMCH property -- and it was
4 never fully clear what his role and status was
5 in relationship to UMCH, but he was -- you know,
6 it was his reputation is well known and there
7 were members of council that were excited about
8 the possibility of working with him. So him
9 apparently notifying Matt that he was not
10 pursuing the development opportunity at UMCH was
11 significant news. And so I want to talk about
12 it. It's a significant issue in the city.

13 Q. Do you recall what, if anything in
14 particular, you wished to discuss with
15 Ms. Michael?

16 A. Well, if you go forward to the first
17 page, the 21st of April, the suggestion was that
18 we reached out to UMCH and try to establish a
19 dialogue with them. It's that basic.

20 Q. To what end and for what purpose, if you
21 recall?

22 A. For years there had been no
23 communication between UMCH and the city. I
24 mean, from what I recall. Again, I was one of

1 seven councilmembers. I wasn't in leadership.
2 But my perception was there's no dialogue and --
3 you know, from the owner of a significant
4 property across the street from City Hall. And,
5 you know, I'm the kind of person, maybe it's my
6 business background, but if you're not talking,
7 there's no potential for forward movement or
8 positive change. And so my request -- and I
9 think I say it here, is I suggest nothing more
10 nor less than a direct ask UMCH for a meeting,
11 no agenda, no expectations. Because that's the
12 way to begin making good things happen instead
13 of nothing happening. So that was -- that was
14 the motivation.

15 Q. Looking at the first page of this
16 Exhibit Number 95, you conclude in your email to
17 Ms. Michael, with a copy to Mr. Greeson and
18 Mr. Myers, do we have protocol for staff if they
19 are contacted? Can they initiate communication
20 or only respond? Are all inquiries to staff
21 immediately directed to the city manager? And
22 what is Matt authorized to say at present?

23 Do you recall if you received any
24 response to those questions from anybody?

1 A. I don't recall.

2 --0--

3 (Deposition Exhibit 96 marked.)

4 --0--

5 BY MR. MILLER:

6 Q. You have before you Exhibit 96. Again,
7 take what time you need to review it.

8 MR. SCHUMACHER: 100 exhibits and we're
9 done.

10 THE WITNESS: 100 we're done? Okay.

11 Okay.

12 BY MR. MILLER:

13 Q. Is this an email that you sent to
14 Ms. Michael with a copy to Mr. Greeson on April
15 9th, 2020?

16 A. Yes, at 11:06 a.m.

17 Q. Ms. Michael was the president of council
18 at that time?

19 A. She was.

20 Q. And you wrote to formally request the
21 topic of UMCH, and specifically the status of
22 the 2014 UMCH portion comprehensive plan update,
23 be placed on a council meeting agenda in the
24 very near future, preferably the third meeting

1 of April?

2 A. Yeah, that's what the text says, yes.

3 Q. And as we've seen, you made this request
4 previously that the UMCH comprehensive plan
5 update be placed on the agenda for discussion?

6 A. Okay, I'll take your word for it. I
7 can't recall. Yeah.

8 Q. Why did you make this request in April
9 of 2020?

10 A. As you've seen in reviewing these many
11 documents, the issue of the UMCH portion of the
12 comp plan has been a recurring issue of interest
13 to me because, as I've said before, the comp
14 plan update, from all evidence, did not
15 represent a consensus viewpoint, and I wanted to
16 see if we could not amend the comp plan so that
17 it would more accurately reflect public opinion,
18 thereby benefiting all parties so that proposals
19 using the comp plan as a guide that would be
20 proposed that would end up being a productive
21 and ultimately successful through city
22 processes. So this is just -- it's a -- it's
23 a -- an ongoing issue of mine to try to get this
24 discussed directly at council.

1 Q. And you were concerned at this time, in
2 April of 2020, that Lifestyle Communities may
3 submit an application for development in the
4 meantime, correct?

5 A. I don't recall, but as you can see, I've
6 been asking for us to look at the comp plan
7 update, you know, repeatedly, so I don't
8 remember the specifics of April 2020.

9 Q. Another acronym for you, in the third
10 full paragraph references BWF. Do you know what
11 organization is?

12 A. Yeah. It stands for Building
13 Worthington's Future.

14 Q. Describe for me, if you would, that
15 organization's purpose, as you understand it.

16 A. I believe it was back in 2018. I think
17 it was -- the group was started by a former
18 resident of Worthington, Parker McDonald. He
19 sent an email to Mr. Greeson saying that we
20 ought to form another group that essentially
21 advocates from a business perspective.
22 Mr. McDonald's in banking and finance. And
23 wanted to provide a -- a counterpoint to other
24 resident groups who he identified specifically

1 as a group forum to oppose or provide an
2 alternative vision for UMCH in contrast to WARD
3 and PCPW.

4 Q. Does Building Worthington's Future still
5 exist, to your knowledge, today?

6 A. They do.

7 Q. And is Mr. McDonald still involved, to
8 your knowledge?

9 A. I don't believe so. He moved away from
10 the city one or two years ago and is -- I'm
11 pretty sure he's not actively involved, but I
12 don't know.

13 Q. Do you understand Building Worthington
14 Future's position as it relates to Lifestyle
15 Communities' property?

16 MR. SCHUMACHER: Objection. Asked and
17 answered.

18 A. Again, the nuance stated again, please.

19 Q. If you know, what do you understand to
20 be Building Worthington Future's position as it
21 relates to Lifestyle Communities' property?

22 A. I'm not going to try to characterize it.
23 They put out many position statements, and their
24 language is often soft and vague, and I can't

1 tell you what they really want to do.

2 Q. Have you heard of the organization
3 Worthington Partnership?

4 A. I have.

5 Q. What is the Worthington Partnership, as
6 best you know?

7 A. I think it is -- are you referring to
8 the group that's part of what you described like
9 Main Street USA?

10 Q. This is truly a discovery deposition.
11 So I just want to know what you know. I think
12 you just said a moment ago you know of the
13 organization?

14 A. Yeah. The name I believe -- because
15 names change. I don't know what their --

16 Q. I have laid successfully many traps for
17 you. This is not one of them; so...

18 A. Well, I --

19 MR. SCHUMACHER: Objection. Move to
20 strike that comment.

21 Q. Sorry. What is Worthington Partnership,
22 as best you know?

23 A. I think it is a -- the organization that
24 is an outgrowth of the Old Worthington's

1 Business Association. I'm pretty sure that's
2 the origin. And I would describe them as a
3 quasi governmental group. They receive some
4 funding from City Council annually. They
5 organize and manage, you know, most notably The
6 Farmers Market, and then a range of other
7 initiatives and actions. No longer just focused
8 on the historic downtown area, but now their
9 purview is the whole city. They absorbed the
10 visitors and convention bureau or organization
11 when they went out of operation. So they now
12 are charged with creating, I would say,
13 successful public events, public art. So that's
14 what I think the Worthington Partnership is.

15 Q. Do you have an understanding or do you
16 know whether they've taken a position on what
17 development should occur on Lifestyle
18 Communities' property?

19 A. I don't know for sure. Again, I can't
20 track every group's communications. But I don't
21 think they have. Maybe individual members have
22 and staff members. I don't think as a group
23 they have. But again, I could be wrong.

24 --0--

1 (Deposition Exhibit 97 marked.)

2 ==0==

3 BY MR. MILLER:

4 Q. Take what time you need to review the
5 document.

6 A. Okay.

7 Q. Turning back to Exhibit 96, I forgot to
8 ask you a few questions.

9 A. Is that allowed?

10 Q. Do you recall whether, in fact,
11 Ms. Michael placed the UMC comp plan update on
12 the agenda for council discussion in April of
13 2020?

14 A. I do not recall.

15 Q. Do you recall whether it was discussed
16 at your request in April of 2020?

17 A. I don't recall.

18 Q. Do you recall whether you made a motion
19 to rescind that plan update in April of 2020?

20 A. I don't recall. I don't think I did in
21 April.

22 Q. Do you recall doing so at another time?

23 A. The years, I'm trying to keep them
24 straight in my head. '22, '21. I think in

1 September of '20 we had a discussion about the
2 comp plan, in September of 2020.

3 Q. And did you make such a motion?

4 A. I don't remember whether an actual
5 motion was made or not. I don't recall. I know
6 it was discussed at council. But I don't know
7 whether an actual motion to do anything was made
8 or not.

9 Q. In fact, action was not taken at that
10 time in September of 2020?

11 A. That's correct. Yeah.

12 Q. I apologize. Turning back to Exhibit
13 97.

14 A. Let me look at this again.

15 Q. Sure.

16 A. Okay.

17 Q. You wrote this email to Mike Bates with
18 a copy to your fellow councilmembers on April
19 13th, 2020?

20 MR. SCHUMACHER: Objection. I think you
21 misspoke.

22 Q. Are you able to answer the question?

23 MR. SCHUMACHER: You said you wrote this
24 to Michael Bates and all members of council.

1 That was the question you just asked.

2 A. Could you repeat the question?

3 MR. SCHUMACHER: I think you misspoke.

4 Q. You wrote this email or sent this email
5 to Mr. Bates of WARD on April 13th, 2020,
6 copying members of council and the
7 administration at the city?

8 A. That's correct.

9 Q. And we can agree that you wrote at the
10 bottom of the first paragraph and into the
11 second paragraph, will you, in response to any
12 development proposal for the UMCH site, publicly
13 support and recommend an outcome as described in
14 the basic vision of the WARD white paper? The
15 short answer is yes, I absolutely will.

16 Do you see that?

17 A. Yes, I see the word. Sure.

18 Q. Let's have this marked as Exhibit 98.

19 --0--

20 (Deposition Exhibit 98 marked.)

21 --0--

22 A. I want to make clear for the record that
23 the quote you read, the phrase, will you, in
24 response to my development proposal for the UMCH

1 site, publicly support and recommend an outcome
2 as described in the basic vision of the WARD
3 white paper, that was written by WARD and
4 Michael Bates. My reply was yes. So that's
5 just to clarify who was saying what.

6 Q. Certainly. Your response was actually
7 yes, I absolutely will.

8 And is this, in fact, what you recognize
9 to be WARD's white paper?

10 MR. SCHUMACHER: Do you have a copy?

11 MR. MILLER: I do not. I apologize.
12 It's publicly available on WARD's website.

13 MR. SCHUMACHER: I'm going to have to
14 get a copy. Can I see it, please?

15 THE WITNESS: Yeah. Sure. Okay.

16 MR. MILLER: Would you read back the
17 question, please.

18 (Record read as requested.)

19 A. I would call it WARD's position
20 statement of 2018, but I don't know where the
21 term white paper comes from. Is that what they
22 call it?

23 Q. That is what they call it. Do you have
24 any reason to doubt this is what WARD holds out

1 on its website as its white paper?

2 A. I have no reason to doubt that.

3 Q. In the first bullet point of Exhibit 97,
4 your email to Mr. Bates --

5 A. This one here?

6 Q. Yeah. Referring to the first bullet
7 point you state that you agree with the
8 overarching goal that the property should be
9 developed in such a way that is, quote, enjoyed
10 by the entire community for generations to come,
11 end quote. Do you see that?

12 A. I do.

13 Q. Do you still believe this?

14 A. Yeah. And the way I think about this
15 is, as an elected official, my job is to
16 advocate on behalf of the public. I'm one of
17 seven councilmembers. That's what I attempt to
18 do. In this 4-13 email to Bates, I state that I
19 will support their outcomes as described in the
20 basic vision, and as I'm looking at the basic
21 vision contained in the white paper right now,
22 the things that jump out at me that I did and do
23 support is the idea of -- they say here
24 neighborhoods, family, history, schools,

1 walkability. Those are common themes that have
2 emerged in dialogue with the public. They state
3 here what happens to UMCH in terms of density,
4 green space, traffic, and the ability of
5 Worthington to keep and attract the residents,
6 we need to ensure our future will be felt
7 throughout the city for generations to come.
8 You know, I agree with their recognition of the
9 importance of the outcome of this distinctive
10 property in the heart of our historic city.

11 They acknowledge that it's a challenging
12 issue. There's multiple entities involved here,
13 residents, the city, business community, the
14 property owner, and prospective developers, and
15 they're proposing that we enter into dialogue
16 and include right at the center of that a
17 recognition of the interest of the residents,
18 you know, and they quote City Council President
19 Bonnie Michael stating in the 2016 edition of
20 This week Worthington News, quote, Bonnie
21 Michael, we have to be clear the best approach
22 would be to extensively engage the community and
23 involve them in the planning for the future of
24 the UMCH property. And these are all things I

1 affirm in their approach.

2 Q. All things I didn't ask you,
3 respectfully, Mr. Robinson. Do you still
4 agree --

5 MR. SCHUMACHER: Objection. Move to
6 strike.

7 Q. -- that the property should be
8 developed in such a way that is enjoyed by the
9 entire community for generations to come?

10 MR. SCHUMACHER: Objection. Move to
11 strike the comment of counsel.

12 A. Repeat the question, please.

13 (Record read as requested.)

14 A. Maybe it's my years on council that have
15 shaped my sense of realistic outcomes. I would
16 say now that I would hope the outcome would
17 satisfy most for many years to come.

18 Q. You said several times you're one of
19 seven. Let me just ask you as one. What do you
20 think should happen to Lifestyle Communities'
21 property?

22 A. I think there ought to be a process
23 whereby the outcome is realized, you know,
24 through a transparent robust process of public

1 engagement.

2 Q. As an individual, you, David Robinson,
3 what would you like to see on the property
4 across the street?

5 A. I don't think like that anymore. I'm an
6 elected official, and I think in terms of my
7 responsibility to the public.

8 Q. You have no personal opinion whatsoever?

9 A. It's not -- it's not -- it's not
10 prominent in my thinking, no.

11 Q. Well, what is your personal opinion?

12 A. I just said it's not prominent, and I
13 think in terms of as an elected official about
14 my responsibility to the public.

15 Q. That's your sworn testimony here today,
16 you don't care what happens across the street
17 personally?

18 MR. SCHUMACHER: Objection.
19 Argumentative.

20 A. I didn't say that. I said it's -- what
21 governs my thinking about the property is my
22 responsibility to the public.

23 Q. We can agree you didn't care for what
24 was in the MKSK plan update, correct?

1 MR. SCHUMACHER: Objection. Misstates
2 testimony.

3 A. Yeah, that is not what I said. It was a
4 more complicated response. There were things in
5 the plan that are probably in accord with public
6 opinion and other things that are not. It's a
7 complicated issue.

8 Q. But we can agree, can we not, that you
9 thought it should be rescinded so it did not
10 guide evaluation of future proposals for the
11 property?

12 A. Yeah. I think it -- for years, as you
13 know, I advocated that it be amended, changed,
14 and brought into conformity with broad public
15 opinion as a way of making future proposals
16 productive and fruitful for all entities,
17 including prospective developers.

18 Q. Do you believe you've achieved that,
19 that the plan has been brought into conformity
20 with public opinion?

21 A. The action in January of 2022, in
22 general terms, because it was -- it was a fairly
23 concise statement in general terms. I do
24 believe it conforms with general public opinion.

1 It was written to a pretty abundant flexibility
2 in terms of commercial housing and green space,
3 and also with, I think, an expectation that when
4 time permitted and when possible that a more
5 robust deliberative process would be undertaken
6 to update the comp plan UMCH portion.

7 And, in fact, at a recent council
8 meeting, it must have been the last one or two
9 meetings ago, when we were discussing the budget
10 for '24, there is the expectation that there
11 will be a budget amount to embark on a 12- to
12 18-month process of updating the comp plan in
13 its entirety. And I don't know the details
14 about whether that would also include UMCH, you
15 know, given the litigation, or would not. But
16 the plan is to have a deliberative process to
17 update the comp plan.

18 Q. Do you feel that the January '22
19 amendment to the comp plan for Lifestyle
20 Communities' properties needs to be updated?

21 A. State the question again, please.

22 (Record read as requested.)

23 MR. SCHUMACHER: Objection to the
24 relevance of the hypothetical, but you can

1 answer.

2 A. I would expect it to be reviewed and
3 almost certainly expanded under a more
4 deliberative process.

5 Q. why?

6 MR. SCHUMACHER: Same objection.

7 A. I'm sorry?

8 Q. why?

9 A. If you look at the rest of the comp
10 plan, every other portion of the city there's
11 illustrations and so forth. So that would be
12 why. Yeah.

13 Q. To understand your prior answer, you
14 would expect it to be updated in a more
15 deliberative process than took place in January
16 of 2022, correct?

17 A. Repeat the question.

18 (Record read as requested.)

19 A. Yeah, the proposed and then adopted
20 update in '22, it was the result of actually
21 many years of listening to the public and taking
22 into consideration the many sources of public
23 opinion that I've talked about earlier, surveys,
24 petitions, letters. So in that sense, the '22

1 process was based on much discussion and
2 deliberation. When the whole comp plan is
3 updated moving forward, there will be
4 consultants, public meetings to get current
5 additional input. So it would be a different
6 process moving forward.

7 Q. We'll look at it later, but who wrote
8 the January 2022 update to the comp plan as
9 applied to the Lifestyle Communities' --

10 A. I did.

11 Q. -- property? When did you do so?

12 A. In the days or weeks before -- again,
13 this is something I thought about for many
14 years, but I don't remember the exact days that
15 I put it on paper.

16 Q. January '22, though, is it fair to say?

17 A. It is.

18 Q. How long did it take you?

19 A. I don't recall.

20 Q. If you can look at what was marked
21 previously as Exhibit 34.

22 A. I've not looked at 34. Can I use the
23 restroom?

24 MR. MILLER: We can take a break.

1 (Recess.)

2 BY MR. MILLER:

3 Q. Let's take a look at what's been
4 previously marked as Exhibit 34, Mr. Robinson.

5 A. Have we looked at this before?

6 Q. No, but feel free to take it out of the
7 binder if it's easier for you to review it. I
8 think it is something we touched upon and talked
9 about earlier as relates to September of 2020.

10 If it's helpful in your review, my
11 question is simply, is this an email that you
12 sent to your fellow members of council and
13 copied certain city officials on September 20,
14 2020?

15 A. Question, the formatting of some of
16 these documents, that's odd. Is this the way it
17 was delivered to you by the city?

18 Q. Yes. There's a document number at the
19 top of it, and it was produced to us by the
20 city.

21 A. Okay. Okay. What's the question?

22 (Record read as requested.)

23 A. That's correct.

24 Q. And is this reflective of certain

1 efforts you described earlier in September of
2 2020 to rescind or suspend the comprehensive
3 plan update as related to Lifestyle Communities'
4 properties?

5 A. At the time, I believed UMCH owned the
6 property and, yeah, the effort was to have
7 council -- again, I'm asking my colleagues to
8 discuss the UMCH update and suggesting that we
9 rescinded or suspended or take some action so
10 that it's brought in line again with broad
11 public opinion so that the process could be
12 productive, and I lay out several reasons why I
13 felt this was needed.

14 I think a very cogent one was the first
15 one where I state that the -- at this point in
16 time, the update was already six years old. The
17 world was very different from 2013, 2014. We
18 were in the middle of COVID. George Floyd
19 murder had happened. Issue of inequality were
20 at the forefront. Climate change was impacting
21 us. A number of factors, I think, warranted us
22 taking a new look at the comp plan. And then as
23 I said several times today already, importantly,
24 public opinion. I did not view the comp plan

1 update as a consensus, and that to productively
2 move forward with the property owner, that we
3 ought to take a fresh look at the comp plan.
4 That was my motivation.

5 Q. well, in fact, you wrote in the second
6 paragraph of this email on the first page of
7 Exhibit 34, quote, to the point, I believe we
8 now face what may be a very short window of
9 opportunity to discuss and act on this issue.
10 That's because you knew Lifestyle Communities
11 was preparing to apply based upon the
12 comprehensive plan, correct?

13 MR. SCHUMACHER: Objection. Compound.

14 A. Yeah, what is the question, please?

15 Q. You thought there was a very short
16 window to act on this issue because you knew
17 Lifestyle Communities was going to apply based
18 upon the comprehensive plan?

19 A. A couple things: One, I did not know.

20 Q. You're under oath, Mr. Robinson.

21 A. Yeah, I know. And what Lifestyle was
22 going to do I had no privy, particular
23 knowledge. I mean, at most there were rumors
24 circulating. And my driving interest here was

1 to avoid the city, the community, property
2 owners, prospective developer to get into a
3 fruitless process.

4 And if I remember correctly, given the
5 dates and all, this was September of 2020. What
6 happened was the next month there was a proposal
7 put forward that cited regularly or consistently
8 throughout the 2013-14 comp plan as really the
9 basis of the proposal, and 14 months later,
10 after being tabled several times at the request
11 of the developer, and a thorough review and,
12 again, 14-month process by the city's ARB/MPC,
13 they issued a lengthy report, as did staff, you
14 know, about the proposal, recommending that
15 council deny it. And then in December '14,
16 unanimously council did deny it.

17 So for 14 months there was unproductive
18 action, in some ways with the 2013-14 comp plan
19 being identified as the driving basis by the
20 prospective developer, and that's exactly the
21 kind of fruitless action and wasted time and
22 money and public acrimony that I was trying to
23 avoid through this action of council in
24 September.

1 MR. MILLER: Move to strike as
2 completely nonresponsive and evasive.

3 Q. If you can turn to the second page of
4 the exhibit. If we can agree on nothing else,
5 Mr. Robinson, we can agree that on number 4 in
6 your email you urged your colleagues to support
7 a motion to suspend comp plan update to avoid
8 the possibility of the city being placed in a
9 vulnerable defensive position if a submitted
10 development plan conforms in general with the
11 comp plan and yet is rejected, correct?

12 MR. SCHUMACHER: Objection. Compound.

13 A. What is the question?

14 MR. MILLER: Those are his words that
15 are compound, Paul. You can continue to
16 obstruct this deposition. I'm reading from his
17 email.

18 MR. SCHUMACHER: Joe, you prefaced your
19 quote from the document by asking a different
20 question. And I'm simply objecting to the
21 compound nature. He can certainly answer the
22 question.

23 BY MR. MILLER:

24 Q. You urged your colleagues to support

1 your motion to suspend the comp plan update
2 based on the reasons you set forth in number 4
3 of Exhibit 34, correct?

4 A. I'm sorry. What's the question?

5 (Record read as requested.)

6 A. Yeah, I made four points, and urged them
7 to -- explained to them my reasons for making
8 the motion and I outlined four reasons.

9 Q. Did you make a motion to suspend the
10 comp plan update at council's meeting on
11 September 21st, 2020?

12 A. I don't know if I did or not.

13 Q. You don't recall one way or the other?

14 A. I don't know if I made a motion or not.
15 I know it was discussed, but I don't know
16 whether it actually reached the point where a
17 motion was made or not.

18 Q. If you could share with me whatever you
19 recall about the discussion that evening as it
20 relates to any motion to suspend or suspension
21 of the plan update in general?

22 A. I primarily remember that, again, as one
23 of seven, that I was successful in my efforts.

24 Q. But as we'll talk about, you were

1 successful with a majority of councilmembers in
2 2022, correct?

3 A. Successful in regard to?

4 Q. Updating the comp plan as it related to
5 Lifestyle Communities' property.

6 A. That's correct, a year and a half later,
7 in January of '22, following a failed effort to
8 pass a moratorium ordinance, then a resolution
9 was passed updating the comp plan UMCH portion.

10 ==0==

11 (Deposition Exhibit 99 marked.)

12 ==0==

13 BY MR. MILLER:

14 Q. If we look at the second page -- I guess
15 it starts at the bottom of the first page, but
16 is this an email you sent to Mr. Greeson on
17 September 29th, 2020, at 6:25 a.m. copying
18 certain members of City Council and city
19 officials?

20 A. Yeah, I think it was to the full
21 council. Yep, to city officials, Lee Brown, Tom
22 Lindsey.

23 Q. You asked Mr. Greeson, why did you bring
24 to Mr. Hart's attention the UMCH-related

1 discussion we just had at council, correct?

2 A. Yeah, that's what the words say.

3 Q. Mr. Hart was Lifestyle Communities'
4 counsel?

5 A. Okay.

6 Q. Why did you ask this question of
7 Mr. Greeson?

8 A. I wanted to see if he was responding to
9 or acting sort of at the suggestion of
10 Councilmember Smith or whether there was some
11 other issue I wasn't aware of.

12 Q. And did Mr. Greeson respond, in fact, he
13 was essentially acting in response to
14 Councilmember Smith's direction?

15 A. Yeah, as Matt's words say, Councilmember
16 Smith's request was consistent with the good
17 government practice of trying to be transparent
18 and open. So yeah, he says basically is what
19 his motivation was answering my question.

20 Q. Did you disagree with letting
21 applicant's counsel know the discussion --
22 Lifestyle Communities' counsel know of the
23 discussion at council?

24 A. My motivation here was to understand why

1 Mr. Greeson asked the question, and he answered
2 my question saying Mr. Smith's prompt is what
3 directed him.

4 Q. Is that why you said, I'll reserve
5 comment pending your reply?

6 MR. SCHUMACHER: I'm sorry. I didn't
7 hear that. You trailed off, Joe.

8 Q. Is that why you said I'll reserve
9 comment pending your reply to Mr. Greeson?

10 A. Is why what?

11 Q. You wanted to hear his explanation of
12 why he reached out to Mr. Hart.

13 A. Yeah, sure, that was the purpose of my
14 email.

15 Q. Do you know whether you then responded
16 to Mr. Greeson after --

17 A. I do not.

18 Q. -- he provided his explanation?

19 we've done better than expected today,
20 Mr. Robinson. Would you --

21 MR. SCHUMACHER: He was asking a
22 question, you started to answer.

23 THE WITNESS: My apologies.

24 MR. SCHUMACHER: We need to slow down.

1 BY MR. MILLER:

2 Q. Do you recall whether you replied to
3 Mr. Greeson's email on the first page of Exhibit
4 99 after he provided his explanation?

5 A. I do not recall.

6 Q. Do you agree that it was consistent with
7 good government practice to reach out to
8 Lifestyle Communities' counsel to let him know
9 the discussion?

10 A. I would say it's not in contradiction to
11 good government practice.

12 Q. What does that mean to you? Because I'm
13 not sure I understand your answer.

14 A. There's a range of actions that Matt
15 could have taken, and this was one of them.

16 How about lunch?

17 MR. SCHUMACHER: Yeah. Do you expect to
18 have much more?

19 MR. MILLER: Yeah. The way things are
20 going, for sure.

21 MR. SCHUMACHER: I'm sorry?

22 MR. MILLER: The way things are going,
23 for sure. I'll speak up. Sorry, Paul.

24 --O--

1 Thereupon, the luncheon recess was taken
2 at 12:24 p.m.

3 --O--
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1 OCTOBER 31, 2023

2 TUESDAY AFTERNOON SESSION

3 1:13 P.M.

4 --O--

5 (Deposition Exhibit 100 marked.)

6 --O--

7 BY MR. MILLER:

8 Q. Does Exhibit 100 appear to be a true and
9 accurate copy of a blog post that you put out,
10 Mr. Robinson, on November 24th, 2020?

11 A. Yeah, it appears to be.

12 Q. Thank you.

13 --O--

14 (Deposition Exhibit 101 marked.)

15 --O--

16 A. Maybe you can ask the questions. It's
17 lengthy. I'm not going to read it all.

18 Q. I'll direct your attention to page 2.
19 Beginning in the middle of that page, does that
20 appear to be a March 27th, 2021, email that you
21 sent at 2:41 p.m. to a Matthew Mowry?

22 A. It appears to be.

23 Q. Do you know Mr. Mowry?

24 A. I don't. As far as I know. I mean, the

1 name rings a bell, but I don't think I know him
2 personally at all.

3 Q. Take what time you need, but was this an
4 email you sent responding to a constituent
5 concern?

6 A. Let me study it.

7 Q. Sure.

8 A. His email is quite long, too.

9 Q. It is quite long. I agree.

10 A. Give me a few minutes here.

11 Q. Do you recall my question, Mr. Robinson?

12 A. No, but I figure when I get done reading
13 I can -- I mean, if you want to ask it again.

14 Q. No, if you're not finished.

15 A. Okay.

16 MR. MILLER: would you read back the
17 last question, please.

18 A. Sorry. I'm not done reading this whole
19 thing. I realize it goes on. Hang on. My
20 apologies.

21 Okay.

22 MR. MILLER: would you read back my
23 question, please.

24 (Record read as requested.)

1 A. Yeah. There's a back-and-forth exchange
2 between me and a constituent. Correct.

3 Q. Specifically related to Lifestyle
4 Communities' proposal for the property?

5 A. Yeah. The -- I mean, I would describe
6 it as his concern about the UMCH property and
7 what type of outcome there would be desirable.

8 Q. And looking at that email to which I
9 directed your attention previously, the second
10 page of the exhibit that you sent to Mr. Mowry
11 on March 27th, 2021, you told him in that first
12 paragraph, the third sentence, that be assured
13 that I will do all that I can to prevent its
14 realization, referring to Lifestyle's latest
15 proposal?

16 A. What are you asking?

17 Q. You told him, with regard to Lifestyle's
18 latest proposal, be assured that I will do all
19 that I can to prevent its realization, correct?

20 A. Yeah. As a representative, the proposal
21 I thought was poorly constructed and I would try
22 to prevent it being realized.

23 Q. In fact, you say later, I am struck also
24 by the sheer mediocrity of it all.

1 Can you explain that statement or why
2 you felt the proposal to have sheer mediocrity?

3 A. We are a historic community, founded in
4 1803, with distinctive architecture, use of
5 land. The proposal put forward in the fall of
6 '20 was even larger and denser and more units
7 than what was presented to the public back in
8 2015. And from what I recall looking at some of
9 the graphics and descriptions, the proposal, the
10 plan could have been made at any number of sites
11 around central Ohio. I think the ARB and MPC
12 and staff's response to it said similar things
13 about its lack of responsiveness to community
14 expectations, and I think that reflects the fact
15 that LC didn't engage the public. So that's --
16 I think that's what I was getting at there.

17 Q. And you've made that comment to other
18 citizens, have you not, that you were struck by
19 what you call the sheer mediocrity of it all?

20 A. I don't know, but the language I would
21 agree with.

22 Q. You told Mr. Mowry that you thought the
23 site -- I'm looking at that same paragraph --
24 could become a positive focal point for

1 community activity, benefiting all for all time,
2 correct?

3 A. I don't know where you're pointing to.

4 Q. I'm sorry. I thought you had read the
5 exhibit, sir.

6 MR. SCHUMACHER: You're pointing at
7 certain sentences now, so you're going to have
8 to show him where.

9 A. Yeah, the site could become a positive
10 focal point for community activity, benefiting
11 all for all time.

12 Yeah, those are my words, yes

13 Q. And you made that statement to citizens
14 on other occasions, that the primary priority in
15 development of the property should be the public
16 at large, correct?

17 A. I have stated repeatedly before and on
18 this day that public opinion -- in support of
19 the general public of any change of the zoning
20 and land use there is of central importance.

21 Q. Respectfully, sir, I didn't ask you
22 about public opinion. You said repeatedly, have
23 you not, the property should be developed for
24 the benefit of the public?

1 A. If there is a change in zoning, that
2 that ought to take place only under
3 consideration of the public welfare.

4 Q. Can you flip to the first page of the
5 exhibit. You said in the first paragraph, if I
6 may, I find myself thinking there is simply no
7 way that LC will ever build their massive
8 development.

9 why did you believe that in March of
10 2021?

11 A. Any massive development, where we're
12 talking many hundreds of apartments, would not
13 be supported by the public. And I would expect
14 council to -- myself as one, but I would think
15 that other members would as well -- listen to
16 the public and not approve a project not
17 supported by the community. And then if that
18 failed, I think the public itself would probably
19 wage a referendum campaign against a project
20 regardless of who's doing it at the property.

21 Q. In fact, you think the public would like
22 to see a large scale public park on the
23 property, correct?

24 MR. SCHUMACHER: Objection. Misstates

1 his testimony.

2 A. Your question again, please.

3 MR. MILLER: If you would read it back,
4 please.

5 (Record read as requested.)

6 A. From multiple sources over ten years
7 now, the public has been consistent in
8 describing what they believe would be an
9 appropriate outcome of the property, and that
10 consistently includes significant contiguous
11 green space.

12 --0--

13 (Deposition Exhibit 102 marked.)

14 --0--

15 BY MR. MILLER:

16 Q. Mr. Robinson, you've been handed what
17 we've had marked, I believe, Exhibit 102.

18 Please let me know when you're prepared to
19 proceed with examination on the document.

20 A. Okay. Okay. I think I've got my mind
21 wrapped around it. What's the question?

22 Q. The question is, regarding the first
23 page of Exhibit 102, on April 11th, 2021, email
24 that you sent to Mr. Greeson?

1 A. Yeah.

2 Q. In your own words, describe for me what
3 you were trying to communicate to Mr. Greeson in
4 this email?

5 MR. SCHUMACHER: Objection.

6 A. Repeat the question.

7 (Record read as requested.)

8 A. I was conveying to them, I believe, that
9 the statement in the park's master plan was not
10 consistent with broad public opinion,
11 specifically the phrase about the parks
12 commission is determined that there is -- what's
13 the phrasing here?

14 Q. Our existing parks provide ample park
15 space per resident.

16 A. Yeah, that's it. And I draw the
17 connection here that this is analogous to the
18 claim in the 2013-14 comp plan update that it's
19 a consensus document, and I felt like this was
20 not constructive to be sending out as an
21 indication of current public sentiment at the
22 time.

23 Q. In fact, you said in the middle of the
24 second paragraph, if I may -- forgive me for

1 reaching in -- you said to Mr. Greeson, the
2 truth is otherwise, correct?

3 A. Yeah, truth is otherwise because the
4 general public, based on all of the documented
5 sources I've talked about several times today,
6 don't agree with that statement.

7 Q. In fact, they, based on what you've
8 heard/reviewed, want to see significant public
9 parkland at the Lifestyle Communities' property?

10 MR. SCHUMACHER: Objection.
11 Mischaracterizes prior testimony.

12 A. Yeah, again, as I said repeatedly, broad
13 public opinion has felt that a desirable outcome
14 at that property would involve a mix of uses,
15 including significant contiguous green space.

16 Q. You told Mr. Greeson in the first
17 sentence of the second paragraph, Matt, this
18 sentence exemplifies the problem with how you
19 have mismanaged the entire issue of UMCH.

20 Could you please describe for me how
21 Mr. Greeson mismanaged the entire issue of UMCH?

22 A. The fundamental issue I had with Matt
23 about this issue was not putting as at the
24 center of the city's disposition and position of

1 UMCH broad public opinion, as reflected in the
2 comp plan update, his citing of the park's
3 master plan, not proactively developing
4 information like was developed in the
5 cost-to-serve analysis, and I spoke with Matt
6 about this directly. This was not radical to
7 him. This was a common refrain.

8 Q. I think you touched upon at least one
9 aspect of it a moment ago. What do you believe
10 Mr. Greeson could have done differently to not
11 mismanage the entire issue of UMCH?

12 A. Listen to the public.

13 Q. You felt he did not do that?

14 A. Did not do it consistently robustly
15 enough, no.

16 Q. How about Ms. Stewart?

17 A. I'm not in a position to really evaluate
18 her performance. She was assistant city manager
19 and working at the direction of Mr. Greeson, so
20 it was really Mr. Greeson that I can attribute
21 responsibility to.

22 Q. That's fair. If we look at the final
23 paragraph of your email on the first page of
24 Exhibit 102, you state --

1 A. Final paragraph?

2 Q. Yes. Let's discuss the larger paragraph
3 above that. You state --

4 MR. SCHUMACHER: I'm sorry. You
5 confused me now. What are we looking at?

6 MR. MILLER: The final paragraph on page
7 1 of Exhibit 102, that begins you see, Matt.

8 MR. SCHUMACHER: Thank you.

9 BY MR. MILLER:

10 Q. You told Mr. Greeson, this is why I have
11 ineffectively tried for three years to get the
12 CP rescinded.

13 You're referring to the comprehensive
14 plan update regarding the UMCH property?

15 A. Yeah, CP, comprehensive plan, yeah.

16 Q. In the remainder of that sentence, who
17 or what is the VC, where you write, and this is
18 why I've attempted to not let the VC go in that
19 direction?

20 A. I think -- I'll have to think through
21 all the angles of this, but I think the VC
22 refers to the visioning commission or committee,
23 is my guess. I think it was underway at that
24 time, yeah.

1 Q. Describe for me, as you understand it,
2 the purpose or objectives of the visioning
3 committee.

4 A. That's a big question. Visioning
5 commission -- I would read the documents
6 themselves, because they clearly state it. But
7 basically it reflects -- the creation of it
8 reflects a -- an effort by city leadership and
9 the community to get clarity on where we want to
10 go as a community, really in all facets. I
11 mean, the output of the visioning commission --
12 I think it was visioning report, is what came
13 out. It had seven different vision statements,
14 and it ran the full gamut of high quality of
15 life to inclusive, diverse community. So it was
16 really every aspect of communal life. And I
17 think it reflects a sense that times they are
18 changing. And demographic change in the city, a
19 lot of cultural changes, and express as desire
20 that we don't just move forward without
21 conscious clarity about where we want to go as a
22 community. So it's an attempt to get conscious
23 understanding of where we want to go.

24 Q. Was the visioning committee created

1 before or after you joined City Council?

2 A. It was formed -- must have been after.

3 Must have been after.

4 Q. Do you recall what, if any, role you had
5 in forming the visioning committee?

6 A. I was a participant in discussions at
7 council. I mean, that's what I remember. We
8 were -- it probably was 2018, 2019. There was
9 discussion at a retreat about forming it. I
10 can't remember which it was year, 2018 or 2019.
11 And this is speculation, but I think the way it
12 would have worked is after a discussion at the
13 retreat that city leadership, Matt Greeson and
14 staff, would have come back with a proposal
15 about how to proceed with it. I remember
16 discussions at council with Scott Myers. He was
17 involved in talking about this. And a strong
18 sentiment of council was that the visioning
19 committee needs to be fairly independent of
20 council direction and supervision. We really
21 wanted the visioning report to reflect the views
22 of the public and basically be a grassroots
23 bottom-up type of process. And must have taken
24 many months for us to develop the structure and

1 the framework, and then I think each
2 councilmember could nominate one or more
3 persons. I don't remember exactly how that
4 worked. But we were involved in the composition
5 of the -- I think it was a 13-member committee.
6 And then they were off and running on their own
7 and they came back periodically and made
8 reports. That's my recollection.

9 Q. You referenced a moment ago the report.
10 Did they ultimately issue a final report as a
11 body, if you know?

12 A. Yeah. I forget the exact title, but
13 it's something like Vision of Worthington, maybe
14 report. It's in a binder not unlike that.
15 Yeah, there's a report, and it was, I think,
16 issued probably back in '21 or something like
17 that.

18 Q. Have you read it?

19 A. I have.

20 MR. SCHUMACHER: Wait. You got to
21 finish your answer.

22 A. Yeah, thanks. Just the relevant
23 information that was issued, and it has been
24 difficult for the city to develop a process for

1 actually implementing and making real and acting
2 upon the different vision statements. I don't
3 know whether they were called recommendations,
4 but ideas and concepts. And so in '23, at the
5 retreat, Pro-Tem Brewer recommended the creation
6 of vision implementation teams for each of the
7 seven statements would have co-chairs,
8 councilmember and someone else and we'd form
9 different groups and come back, which is, in
10 fact, happening just about right now, come back
11 to council with three, four, five ideas for each
12 vision, and then to engage it in another public
13 process of getting feedback and comments on the
14 different actionable ideas to those seven
15 statements, and then council will somehow sift
16 through and decide which ones are of highest
17 priority and we could act upon. So that's the
18 plan process.

19 Q. Have you reviewed the vision committee
20 report?

21 A. I have.

22 Q. Do they still exist as a body, if you
23 know?

24 A. No, they do not.

1 I'm sorry, this Coke's going through me.

2 I'll be back.

3 (Pause.)

4 --0--

5 (Deposition Exhibit 103 marked.)

6 --0--

7 BY MR. MILLER:

8 Q. We've had placed before you what we've
9 had marked as Exhibit 103.

10 A. 102 is done?

11 Q. Correct.

12 MR. MILLER: Paul, you know you're
13 humming on the record, right?

14 MR. SCHUMACHER: I'm sorry.

15 MR. MILLER: Just now and previously you
16 realize you've been humming on the record,
17 right?

18 MR. SCHUMACHER: Was I?

19 MR. MILLER: Yes. Just wanted to make
20 you aware.

21 MR. SCHUMACHER: Rhonda, were you
22 getting that?

23 BY MR. MILLER:

24 Q. If you look at Exhibit 103, does this

1 appear to be a true and accurate copy of a blog
2 post that you put out on your blog on May 11th,
3 2021?

4 A. It appears to be.

5 Q. If you could take a look at Exhibit 61.
6 It might be in a different binder. I'm not
7 sure.

8 MR. SCHUMACHER: Rhonda, there was no
9 humming on the record, right?

10 THE WITNESS: I wasn't aware of it;
11 so...

12 MR. SCHUMACHER: Okay.

13 BY MR. MILLER:

14 Q. Do you have in front of you Exhibit 61?

15 A. Yeah. Am I still to keep 103 in front
16 of me?

17 Q. You can put it right here, sir.

18 Take what time you need to review
19 Exhibit 61, if you would, please. I don't
20 believe I'll be asking you about the first page,
21 if that's helpful, but certainly the emails that
22 follow on the second and third page, I would
23 intend to do so.

24 A. Okay.

1 Q. If we look at the second page of the
2 exhibit, is it fair to say you forwarded to
3 Mr. Brown on October 14th, 2021, an email that
4 you said you had sent to six members of the
5 ARB/MPC?

6 A. Yeah, that's right.

7 Q. And you did, in fact, send that email to
8 six of the members of the ARB/MPC?

9 A. Yeah, I think I sent it to Mr. Brown
10 because I didn't have the email address of the
11 seventh member.

12 Q. And it specifically relates to their
13 consideration of Lifestyle Communities'
14 proposal, correct?

15 A. Two different issues, but LC is one of
16 them.

17 Q. And you yourself acknowledge in the
18 email to Mr. Brown that doing so was unusual,
19 correct?

20 A. Yeah.

21 Q. You state, then, that council
22 effectively doesn't have a liaison with the
23 ARB/MPC, at least as I understand that role.

24 Mr. Myers was, in fact, the

1 councilmember on the ARB/MPC, correct?

2 A. Uh-huh. Yeah, he was. Yeah.

3 Q. So why did you not believe that council
4 effectively had a liaison with the ARB/MPC?

5 A. I think what I was referring to there
6 was communications between the two bodies, and
7 the ability to have questions and issues raised
8 by councilmembers be effectively delivered to
9 the ARB/MPC, and so that's what I meant.

10 Q. You felt that Mr. Myers was not
11 effectively doing so?

12 A. This email was sent -- I think it was
13 the morning of the meeting that they were going
14 to have that evening, and I felt like if I
15 wanted to get the message I was conveying to
16 them, it needed to be sent directly.

17 Q. Okay. Have you done so since then?

18 A. I don't think I have.

19 Q. Had you done so before this with regard
20 to applications before the ARB/MPC?

21 A. No, I'm pretty sure I did not. This
22 was -- this was an issue of great interest to
23 the public, and members of the public had
24 expressed concern to me, and I was acting as an

1 elected official conveying the message of some
2 of the residents to the ARB/MPC. That was the
3 motivation.

4 Are we done with this?

5 Q. Yes.

6 ==0==

7 (Deposition Exhibit 104 marked.)

8 ==0==

9 BY MR. MILLER:

10 Q. As with other blog posts, Mr. Robinson,
11 Exhibit 104, my question for you is: Does this
12 appear to be a true and accurate copy of a post
13 that you put on your blog on October 18th, 2021?

14 A. Okay.

15 MR. MILLER: Could you read back my
16 question.

17 (Record read as requested.)

18 A. It does.

19 Q. If we look at the second page of this
20 exhibit, at the bottom of that page -- if I may?

21 A. Yeah.

22 Q. You wrote, if either LC withdraws their
23 proposal or council affirms the MPC
24 recommendation of denial, LC will need to wait

1 six months from the date of the 10-14 MPC
2 meeting to resubmit a development proposal.

3 If you know, or if you recall, upon what
4 authority are you basing that statement?

5 MR. SCHUMACHER: Objection.

6 You can answer. Go ahead.

7 A. I think that's city code.

8 Q. You can't recall offhand?

9 A. I said I think that's city code.

10 Q. Okay.

11 A. That would pertain to any applicant,
12 that if it's denied they have to wait six months
13 before they resubmit.

14 Q. Are you likewise familiar with the city
15 charter that rezonings within the city need to
16 be in accordance with the city's comprehensive
17 plan?

18 MR. SCHUMACHER: Objection. Relevance.

19 A. State the question again.

20 (Record read as requested.)

21 MR. SCHUMACHER: Also note my objection
22 to the extent it asks for a legal conclusion.

23 You can answer.

24 A. It's a confusing question to me. So I

1 can't answer directly the way it's phrased.

2 Q. Are you aware of whether the city
3 charter requires that the city rezone properties
4 in accordance with its comprehensive plan?

5 MR. SCHUMACHER: I'm sorry. I can't
6 hear your question.

7 Q. Are you aware --

8 MR. SCHUMACHER: Thank you --

9 Q. -- that the city charter requires the
10 city, if it's going to rezone a piece of
11 property, to rezone it in accordance with the
12 comprehensive plan?

13 MR. SCHUMACHER: Objection. That
14 misstates the city charter, and also calls for a
15 legal conclusion.

16 MR. MILLER: And also attempts to
17 improperly instruct the witness.

18 You may answer, if you know,
19 Mr. Robinson.

20 A. The comprehensive plan is subordinate to
21 code and charter, and it's just one of many
22 planning documents, so it would be bizarre to me
23 if our charter said it had to comply with the
24 plan.

1 BY MR. MILLER:

2 Q. Okay. It would be bizarre to you, but
3 sitting here right now, you don't know one way
4 or the other?

5 MR. SCHUMACHER: Objection. Same
6 objections.

7 A. Yeah, no, it's -- what I do know is the
8 plan is subordinate to code and charter.

9 --0--

10 (Deposition Exhibit 105 marked.)

11 --0--

12 BY MR. MILLER:

13 Q. As always, Mr. Robinson, take what time
14 you need to familiarize yourself with Exhibit
15 105, and let me know when you're ready to
16 proceed.

17 A. Okay.

18 Q. I'd like to direct your attention, if I
19 could, to the second page of the exhibit;
20 namely, what appears to me to be an email from
21 the Worthington Partnership on November 15th,
22 2021, to members of council. Do you see that?

23 A. Yeah, the memo's not attached, but there
24 is an email.

1 MR. MILLER: And actually, I'd like to
2 ask Mr. Schumacher if you can look into that. I
3 don't know that we have the attachment. If I
4 can just make that request. Ms. Parini
5 references a memo from our board of directors
6 regarding the request before you today.

7 BY MR. MILLER:

8 Q. Likewise, I do not have the attachment,
9 Mr. Robinson. My apologies. But do you recall
10 seeing a memo from the board of directors of the
11 Worthington Partnership in November of 2021 as
12 it related to a request to expand CRA?

13 A. I don't remember, but this email here
14 jars my memory well enough, and I'm pretty sure
15 I know what the issue was.

16 Q. What was the issue, as you recall?

17 A. I think it related to a company
18 called -- I think it's New England Development,
19 owned by the Showe family.

20 Q. Which family?

21 A. The Showe family.

22 Q. Could you spell it?

23 A. S-H-O-W-E. Kevin Showe is the primary
24 person, I think. Asking that the city expand

1 the CRA as part of their initial effort to --
2 they never made a proposal, but to develop a
3 hotel on West New England in the downtown area.

4 Q. Did it have to do with the Worthington
5 Inn building, or not necessarily?

6 A. It depends who you ask. The Worthington
7 Inn also is owned by the New England Development
8 Company; so...

9 Q. I muddled the waters. I apologize.

10 A. Just real quick, in initial discussions
11 they brought -- they made statements relating
12 the two projects or two properties; but...

13 Q. The Showe family, or New England
14 Development, sought to develop a hotel near the
15 Worthington Inn is probably more accurately
16 stated; is that fair to say?

17 A. They made -- they came before council
18 and talked about the possibility of making a
19 proposal for the development of a hotel. And
20 the expansion of the CRA to include that
21 property was important to them as a preliminary
22 step for them to consider moving forward.

23 Q. Was the CRA ultimately expanded, if you
24 recall?

1 A. It was.

2 Q. Okay. And this does not bear upon the
3 UMCH property, fair to say?

4 A. It was -- in my mind, it's an unrelated
5 issue. I mean, it's related in that they're
6 both in Worthington, but there's no direct
7 correlation.

8 Q. Fair to say, based upon your review of
9 these emails, you didn't care to have the
10 Worthington Partnership weighing in on the
11 issue, though?

12 A. Yeah, I felt it was inappropriate for
13 a -- I think I described them earlier as a quasi
14 governmental entity, one that receives public
15 funds, to be taking a strong position, lobbying
16 essentially on one -- on an issue like that
17 that's -- yeah, it's a contentious issue in the
18 community.

19 Q. In fact, on the first page, in an email
20 to Mr. Greeson, if I may, you expressed a
21 concern --

22 A. Yeah, right here.

23 Q. Thank you.

24 Is WP going to start lobbying on the

1 issue of UMCH, et cetera?

2 Did they, to your recollection?

3 A. Never publicly overtly that I know of.

4 Q. Okay. Did they ever lobby or try to
5 persuade you regarding that project?

6 A. Which project?

7 Q. The project on the UMCH property.
8 Lifestyle Communities' proposal. Excuse me.

9 A. First of all, when we talk about WP, are
10 we talking about as an organization or
11 individual --

12 Q. Yeah, I'll withdraw that question.

13 Do you recall the Worthington
14 Partnership, or any of its members, seeking to
15 persuade you to approve or deny the Lifestyle
16 Communities' proposal?

17 A. I want to answer carefully because WP, I
18 don't know all the members or all the staff. I
19 have not and never tried to persuade the key
20 members, the leadership, Annina Parini, and one
21 or two other folks I know and associate with WP,
22 I've not had any kind of extensive conversations
23 with them about UMCH.

24 Q. Okay.

1 A. They never lobbied me, I know that.

2 --0--

3 (Deposition Exhibit 106 marked.)

4 --0--

5 BY MR. MILLER:

6 Q. This question about Exhibit 106 may
7 sound familiar to you by now, Mr. Robinson.
8 Does Exhibit 106 appear to be a true and
9 accurate copy of a blog post that you put on
10 your blog on December 14th, 2021?

11 A. It does.

12 Q. You know what, this has been previously
13 marked. I've got it. It's Exhibit 6. Put that
14 binder aside for a moment, Mr. Robinson. I'd
15 like to ask you about what we've had previously
16 marked as Exhibit 6.

17 we talked about this previously today,
18 but is this the emergency moratorium ordinance
19 that you introduced at council's meeting on
20 January 18th, 2022?

21 A. Yeah, this appears to be.

22 Q. Did you draft this ordinance,
23 Mr. Robinson?

24 A. I'm pretty sure that I drafted this in

1 conjunction with law director, Tom Lindsey.

2 Q. I don't care if you disclose any
3 communications you had with Mr. Lindsey, but
4 it's your belief that you and he drafted this
5 either together or portions of it? How did that
6 work exactly?

7 MR. SCHUMACHER: Objection. To the
8 extent that --

9 MR. MILLER: It was inartful? That's
10 fine.

11 MR. SCHUMACHER: Obviously, it may
12 request communications with counsel.

13 MR. MILLER: Fair enough. Withdrawn.

14 BY MR. MILLER:

15 Q. Without disclosing any communications
16 you had with Mr. Lindsey, to your recollection,
17 how did you work together to prepare Ordinance
18 04-2022?

19 MR. SCHUMACHER: Again, object. I think
20 he's answered that. And anything further really
21 does invade the attorney-client communication.
22 But it is what it is, Joe; so...

23 A. Yeah, the process would have been I
24 would have communicated with him and he with me.

1 Q. who is the primary drafter or author of
2 this ordinance?

3 MR. SCHUMACHER: Same objection.

4 A. Yeah.

5 MR. MILLER: No, that does not -- I
6 understand your objection for the record.

7 Q. But who was the primary author of this
8 ordinance?

9 A. I can't say.

10 Q. It's a combination of both your work
11 efforts?

12 MR. SCHUMACHER: Same objection.

13 A. Yeah, I can't say. He and I spoke with
14 one another and collaborated.

15 Q. Okay. When was it drafted?

16 A. I don't recall exactly when. Obviously,
17 before the January 18th meeting. I don't know
18 whether it was a week before, two weeks, day
19 before. I can't remember. But in the month of
20 January.

21 Q. Okay. Other than Mr. Lindsey, did
22 anyone else provide input to you on this
23 ordinance prior to its introduction that
24 evening?

1 A. well, broad answer would be, yeah,
2 hundreds of people over a decade.

3 Q. I'm sorry, I'm asking specifically about
4 Ordinance 04-2022, as drafted, did you receive
5 input from anyone else on this ordinance prior
6 to its introduction?

7 A. I don't recall. It's so interrelated,
8 there's so many other issues I don't recall the
9 exact nature of how the wording and the issues
10 were formed.

11 Q. why did you seek its passage that
12 evening?

13 MR. SCHUMACHER: Objection. Relevance.
14 You can answer.

15 A. It would have enabled the city to have
16 breathing space and time to reconsider the
17 comprehensive plan, to engage the public on the
18 issue. We had just gotten through a 14-month
19 process that was unproductive for all parties,
20 and so it really was an effort, which I think,
21 as you know, ultimately failed, didn't get the
22 votes needed, to give us breathing space and to
23 sort of reset how we were approaching the issue
24 and engaging a property owner.

1 Q. why did you seek to have it passed as an
2 emergency?

3 A. So that it would go into effect
4 immediately.

5 Q. You felt that was necessary?

6 A. Desirable.

7 Q. why?

8 A. The sooner the better.

9 Q. I should have asked this earlier, at
10 least in this fashion, so perhaps you can
11 understand it. To whom, if anyone, did you
12 provide drafts of this ordinance in advance of
13 its introduction, other than your collaboration
14 with Mr. Lindsey?

15 A. I don't recall. I know that -- I don't
16 recall whether the document was actually
17 distributed at all beforehand. Maybe it was. I
18 can't recall. If so, it would have been to
19 council colleagues, but I don't remember.

20 Q. Now, you're aware that Lifestyle was not
21 informed of your intention to propose and vote
22 on this ordinance that evening, January 18th,
23 2022?

24 A. State the question again, please.

1 (Record read as requested.)

2 A. I don't know whether Lifestyles was
3 informed or not. I don't know all their sources
4 of information and so forth, so I don't know.

5 Q. Do you recall that it wasn't listed as
6 an agenda item for that evening's meeting?

7 A. I do.

8 Q. You also introduced a resolution that
9 evening, 04-2022, correct?

10 A. Do you have it?

11 Q. This has been previously marked as
12 Exhibit 7. If you'd turn to Exhibit 7, please.
13 Do you recognize Exhibit 7, Mr. Robinson?

14 A. I do recognize it. Yes.

15 Q. It's a resolution that you introduced on
16 January 18th, 2022, to amend the comprehensive
17 plan as it related to Lifestyle Communities'
18 property, correct?

19 A. As related to the United Methodist
20 Children's Home focus area and comprehensive
21 plan, yes.

22 Q. We discussed previously how you drafted
23 the attachment to Resolution 04-2022, correct?

24 A. Your question is?

1 Q. We've already discussed how you drafted
2 the update to the comp plan attached to this
3 resolution, correct? Do you recall that
4 discussion this morning?

5 A. Earlier today?

6 Q. Yes.

7 A. I'll take your word for it.

8 Q. Okay. What was the purpose of this
9 resolution? Why did you draft it?

10 A. As we have discussed multiple times
11 today, based on multiple sources of public
12 opinion, the 2013-14 UMCH area comp plan update
13 did not reflect broad public opinion, and the
14 result of that was a cycle of unproductive
15 activity and inactivity not benefiting any of
16 the interested parties, including property
17 owner, developer, city residents.

18 And that in order to establish the basis
19 of a productive way forward, the updating of the
20 comp plan to more closely align with broad
21 public opinion was a necessary step. And the
22 resolution and the specific elements were
23 articulated in a way that, in my judgment,
24 reflected the general contours of public opinion

1 of a mixed-use development including commercial,
2 residential, and contiguous green space. And
3 with enough flexibility in the language to
4 accommodate a range of plans, is the way I
5 thought of it as I drafted the language. So it
6 really was an effort to break out of a cycle of
7 unproductive state of things. So that's why --
8 that's why the action was taken.

9 Q. Since you've been in office,
10 Mr. Robinson, have you required any other
11 property within the City of Worthington to be
12 developed with a large contiguous green space
13 central to the property?

14 MR. SCHUMACHER: Objection.
15 You can answer.

16 A. State the question again, please.
17 (Record read as requested.)

18 A. The UMCH property would be the only
19 property in which that could be done, so the
20 answer would be no.

21 Q. Would you agree with me that Resolution
22 Number 04-2022 did not appear on the public
23 agenda that evening for City Council's meeting
24 on January 18th, 2022?

1 A. That's correct.

2 Can we take a break?

3 Q. Sure.

4 (Recess.)

5 BY MR. MILLER:

6 Q. Turn, if you would, in that binder to
7 Exhibit 9.

8 A. It's a thick packet. Anything
9 specifically?

10 Q. Well, take what time you need. I just
11 want to ask you, does this appear to be a true
12 and accurate copy of the minutes from the
13 meeting of Tuesday, January 18th, 2022?

14 MR. SCHUMACHER: We'll stipulate.

15 MR. MILLER: Say that again.

16 MR. SCHUMACHER: We'll stipulate that it
17 is.

18 MR. MILLER: Okay. Great.

19 MR. SCHUMACHER: In the interest of
20 time.

21 MR. MILLER: Sure.

22 A. I would say one thing. The minutes are
23 not a transcript. They're often in dispute and
24 very few people read them to check for accuracy.

1 So I will say these are the minutes, yes, but as
2 to the accuracy of the discussion, if that's an
3 issue, then I'm not willing to say I agree with
4 that.

5 Q. Sitting here today, do you recall at the
6 next meeting whether you objected to any portion
7 of the minutes prior to their approval?

8 A. I don't remember, but I don't think I
9 did. Again, I almost never read the minutes and
10 look for accuracy, but I don't recall.

11 Q. Is it fair to say that Ordinance 04-2022
12 and Resolution 04-2022 were discussed late at
13 night on Tuesday, January 18th, 2022?

14 A. I think they were toward the end of the
15 meeting.

16 Q. And the meeting let out after midnight,
17 correct?

18 A. I don't remember.

19 Q. But at least the minutes, if we look at
20 the last page --

21 A. I know it was a long meeting.

22 Q. -- reflect that the meeting concluded
23 at 12:09 a.m.?

24 A. Okay. Yeah. I usually try to keep the

1 meetings short, but that was an exception, that
2 evening.

3 Q. And this meeting, if you recall, was, in
4 fact, your first meeting as the president of
5 council?

6 A. No, I don't think so.

7 Q. There was an organizational meeting that
8 predated this?

9 A. I'd have to look -- let's see, this was
10 on Tuesday, the 18th. So it would have been
11 Monday the 17th, backing out the 10th, so it was
12 probably the third meeting, because I think -- I
13 think the organizational meeting would have been
14 Monday, the 3rd, and then there would have been
15 a meeting on the 10th, and then 17th, but since
16 that's MLK day -- so it would have been the
17 third meeting, I think.

18 Q. If you could, I'm guilty of this, as
19 well. If we can just keep our voices up for the
20 court reporter.

21 A. Sure.

22 Q. But you would agree with me, this was
23 the month, January 2022, in which you were first
24 elected president of council?

1 A. Yeah.

2 --0--

3 (Deposition Exhibit 107 marked.)

4 --0--

5 MR. SCHUMACHER: I could be wrong, but I
6 think we've already marked this as well.

7 MR. MILLER: Well, unless you want to
8 comb through 106 of them to find it, let's go
9 with it.

10 MR. SCHUMACHER: If you give me just a
11 second, I bet you I can find it.

12 MR. MILLER: If you care to.

13 MR. SCHUMACHER: Well, let's take a
14 shot. You know, I've been here a lot --

15 THE WITNESS: Looks good to me. I don't
16 remember Phil Hein.

17 MR. SCHUMACHER: Hang on a second. I
18 give up. I thought I could find it quickly,
19 Counselor. I couldn't. But I think it has been
20 marked.

21 BY MR. MILLER:

22 Q. Mr. Robinson, in the middle of the first
23 page of Exhibit 107, to approximately the middle
24 of the second page of 107, is that an email that

1 you sent to Phil Hein on Friday, January 21 --
2 excuse me, Friday, January 21st, 2022, at 1:03
3 p.m.?

4 A. I'm reading it.

5 Okay, the question again, please?

6 Q. Sure. The middle of the first page of
7 Exhibit 107, through approximately the middle of
8 the second page of Exhibit 107, a three-page
9 exhibit, is that an email that you sent to Phil
10 Hein on Friday, January 21st, 2022, at 1:03
11 p.m.?

12 A. That's what it says, yes.

13 --0--

14 (Deposition Exhibit 108 marked.)

15 --0--

16 BY MR. MILLER:

17 Q. I know it's a long document. If it's
18 helpful to you in your review with it, as with
19 many of these blog posts, my question is simply,
20 does this appear to be a true and accurate copy
21 of a post that you put on your blog on January
22 30th, 2022?

23 A. It does appear as such.

24 Q. Thank you.

1 --0--

2 (Deposition Exhibit 109 marked.)

3 --0--

4 MR. SCHUMACHER: Been here long enough
5 the grass has grown.

6 THE WITNESS: I guess they're blowing
7 leaves.

8 Mr. Miller, I have reviewed the
9 document.

10 BY MR. MILLER:

11 Q. Do you recognize Exhibit 109 as an email
12 exchange between you and Mr. Brownlee, a
13 representative of Lifestyle Communities?

14 MR. SCHUMACHER: Objection. Note my
15 objection to the email exchange between the
16 parties. Obviously Rule 408 settlement
17 negotiation occurring, apparently unsuccessful,
18 but note my objection.

19 MR. MILLER: Note my disagreement to the
20 word obviously, but the record will speak for
21 itself.

22 BY MR. MILLER:

23 Q. You do recall this as an email exchange
24 between you and Mr. Brownlee in March of 2022?

1 A. I do.

2 Q. You had suggested, looking at your email
3 on the second page of Exhibit 109, that a
4 meeting take place between the city and
5 Lifestyle Communities to discuss your UMCH
6 property and the way forward?

7 MR. SCHUMACHER: Same objection. Also
8 misstates the document.

9 Q. Is that what you requested in your
10 email, Mr. Robinson?

11 A. Yeah, requested a meeting between the
12 city and Lifestyle Communities to discuss your
13 UMCH property and the way forward. Those are my
14 words.

15 Q. Mr. Brownlee responded on the first page
16 of the exhibit that same day. And while I
17 certainly don't expect you to concede to
18 anything he's written in this email, we can
19 agree that he said, please send me the written
20 proposal?

21 MR. SCHUMACHER: Again, I renew my
22 objection.

23 MR. MILLER: You can have a continuing
24 objection, Paul, but you can also let your

1 witness answer these questions.

2 MR. SCHUMACHER: I'm just objecting to
3 the 408 evidence rule. Objection.

4 BY MR. MILLER:

5 Q. Mr. Brownlee asked that you please send
6 the written proposal to him?

7 A. Yeah. I was -- from what I recall, I
8 was disappointed in Mr. Brownlee's response.
9 Council being under new leadership, I felt there
10 was an opportunity to have productive
11 conversation, especially after the 14-month
12 process that the city and Lifestyles has gone
13 through unproductively. So frankly, I was a bit
14 taken back. I would have thought that he would
15 have been interested and willing to sit down
16 with me.

17 Q. And you never did send him a written
18 proposal; is that correct?

19 MR. SCHUMACHER: Same objection.

20 A. My experience in business and in life,
21 getting together and talking is the most
22 fruitful way to develop productive
23 relationships. You can see people's reactions,
24 you can -- when you're in face-to-face dialogue

1 with people, you have the opportunity to
2 communicate on multiple levels. And this was
3 sent really in the context of it's been years of
4 partial, limited, at times silent communication,
5 and my outreach was let's get together and talk.
6 And his reply was saying I'm just posturing,
7 which I was not.

8 Q. And I'm not interested in arguing any of
9 that with you, Mr. Robinson. My question was
10 simply, you never did send him a written
11 proposal, correct?

12 MR. SCHUMACHER: Well, given the lawsuit
13 was filed a week later --

14 MR. MILLER: Who's testifying, you? Are
15 you testifying now? You're the witness?

16 MR. SCHUMACHER: Come on, Joe.

17 MR. MILLER: It's a simple yes-or-no
18 question.

19 MR. SCHUMACHER: You filed the lawsuit a
20 week after this email.

21 MR. MILLER: So since you're testifying
22 for the witness, is the answer no, I never sent
23 him --

24 MR. SCHUMACHER: I can enforce my

1 objection to a 408 settlement discussion which
2 apparently you weren't in.

3 MR. MILLER: which you made four times
4 now for the record.

5 MR. SCHUMACHER: Okay. Let's move on.

6 BY MR. MILLER:

7 Q. Is the answer to my question,
8 Mr. Robinson, you never did send a written
9 proposal in response to this?

10 MR. SCHUMACHER: Same objection.

11 A. Prior to the lawsuit being filed, we did
12 not have the opportunity to do that. Yeah. So
13 that pretty much shut down this ability to
14 engage.

15 Q. Instead, you expressed to Mr. Brownlee
16 an interest in the city's acquisition of the
17 land in its entirety, correct?

18 MR. SCHUMACHER: Same objections.

19 A. what I stated here was, we suggest that
20 we meet to cordially discuss options for a way
21 forward, including city acquisition of the land
22 in its entirety, while recognizing your
23 expectations to realize a reasonable profit on
24 the transaction.

1 Q. That was of interest to you and the city
2 after denial of the rezoning application,
3 acquisition of the land in its entirety?

4 MR. SCHUMACHER: Objection.

5 A. I'm sorry.

6 Q. I can repeat it if you'd like.

7 A. Yeah.

8 Q. After the denial of the rezoning
9 application, that was of interest to you and the
10 city, that being acquisition of the land in its
11 entirety?

12 MR. SCHUMACHER: Objection.

13 A. Yeah. Again, the purpose of the
14 outreach to Mr. Brownlee was to sit down with no
15 agenda to discuss all options available to all
16 parties.

17 Q. And the one option you mentioned
18 specifically in Exhibit 109 was the acquisition
19 of the land by the city in its entirety,
20 correct?

21 MR. SCHUMACHER: Objection. Rule 408.

22 A. Yeah.

23 Q. Was that yes?

24 A. No. The --

1 Q. I mean, what did I misstate about the
2 email, sir? The one option that you mentioned
3 to Mr. Brownlee, after denial of the rezoning
4 application, was acquisition by the city of the
5 land in its entirety, correct?

6 MR. SCHUMACHER: Objection. 408.

7 A. No, that's not accurate.

8 Q. Tell me how that's inaccurate when you
9 say, options, and the only one you mention is
10 city acquisition of the land in its entirety?
11 Is that the only option you raised?

12 MR. SCHUMACHER: Objection.
13 Argumentative.

14 A. The purpose of the email, and the way I
15 would hope it would have been received by
16 Mr. Brownlee, was let's get together and talk,
17 let's look at options.

18 Q. And recognizing that you're under oath,
19 my question is simple: And the option that you
20 mentioned in this email that was of interest to
21 the city, after denial of the rezoning
22 application, was acquisition of the land in its
23 entirety, correct?

24 MR. SCHUMACHER: Objection. Compound

1 question.

2 A. The --

3 Q. Correct?

4 MR. SCHUMACHER: Same objection.

5 A. I'm going to answer.

6 Q. I'm waiting.

7 A. But I'm not -- the message to
8 Mr. Brownlee was let's meet and discuss options,
9 including the possibility of acquisition and
10 Lifestyles realizing a profit.

11 Q. That was of interest to the city after
12 the denial of the rezoning application, correct?

13 A. Well, keep in mind, this was me, a
14 councilmember, writing to Mr. Brownlee. I'm not
15 speaking for the city. This is me writing him
16 as an elected official.

17 Q. So you potentially were interested in
18 that outcome, acquisition of the land in its
19 entirety by the city?

20 MR. SCHUMACHER: Same objection. Rule
21 408.

22 Q. Correct?

23 A. As an elected official, my
24 responsibility is to advocate and represent

1 public interest, and that possibility has been
2 raised and discussed countless times in the
3 public for ten years. That is what I was
4 conveying.

5 Q. You were conveying that that option was
6 of interest to you, correct?

7 MR. SCHUMACHER: Objection.

8 A. You're not listening to what I just
9 said.

10 Q. One day a Judge and a jury are going to
11 listen to what you've said, and they're going to
12 know you're not answering this question, even
13 though it's plain as day on the face of the
14 document, Mr. Robinson. Good luck to you.

15 MR. SCHUMACHER: Objection. Move to
16 strike the comment of counsel.

17 Do you have any more questions for the
18 witness?

19 MR. MILLER: Let me see if I do. He's
20 given us plenty to work with.

21 MR. SCHUMACHER: I know he has.

22 THE WITNESS: Mr. Miller, do you want to
23 take a break? Can we take a five-minute break?

24 MR. MILLER: Sure.

1 (Recess.)

2 MR. MILLER: I have no further questions
3 at this time. Thank you.

4 --O--

5 Thereupon, the testimony of October
6 31, 2023, was concluded at 3:02 p.m.

7 --O--

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CERTIFICATE

STATE OF OHIO :
SS:
COUNTY OF FRANKLIN :

I, Rhonda Lawrence, a stenographic court reporter and notary public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within-named DAVID ROBINSON was first duly sworn to testify to the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the testimony then given was taken down by me stenographically in the presence of said witness, afterwards transcribed; that the foregoing is a true and correct transcript of the testimony; that this deposition was taken at the time and place in the foregoing caption specified.

I certify that I am not a relative or employee of any attorney or counsel employed by the parties hereto and that I am not financially interested in the action. I further certify review of the transcript was not requested.

In witness whereof, I have hereunto set my hand at Columbus, Ohio, on this 14th day of November, 2023.

Rhonda Lawrence

Rhonda Lawrence
Notary Public, State of Ohio

My commission expires: October 9, 2028

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Michael, Bonnie

From: Bonnie.Michael@worthington.org
 Sent: Mon 9/21/2020 1:03 PM (GMT-00:00)
 To: Greeson, Matt <Matt.Greeson@worthington.org>
 Cc:
 Bcc:
 Subject: Fwd: 2014 UMCH Comprehensive Plan Update – motion to temporarily suspend

Matt

We need to talk on logistics. I am free till 9:40 or 12:15-1:45 and 2:44 to 7:15

What's good for you?

Bonnie

Sent from my iPhone

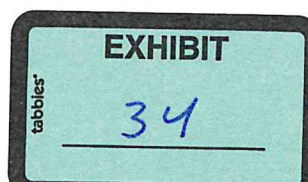
Begin forwarded message:

From: "Robinson, David" <David.Robinson@worthington.org>
Date: September 20, 2020 at 4:32:25 PM EDT
To: "Bucher, Peter" <Peter.Bucher@worthington.org>, "Dorothy, Rachael" <Rachael.Dorothy@worthington.org>, "Kowalczyk, Beth" <Beth.Kowalczyk@worthington.org>, "Michael, Bonnie" <Bonnie.Michael@worthington.org>, "Myers, Scott" <Scott.Myers@worthington.org>, "Robinson, David" <David.Robinson@worthington.org>, "Smith, Doug" <Doug.Smith@worthington.org>
Cc: "Greeson, Matt" <Matt.Greeson@worthington.org>, "Stewart, Robyn" <Robyn.Stewart@worthington.org>, "Lindsey, Tom" <Tom.Lindsey@worthington.org>, "Thress, D. Kay" <Kay.Thress@worthington.org>
Subject: 2014 UMCH Comprehensive Plan Update -- motion to temporarily suspend

Please do not Reply All

Dear fellow Council Members,

Way back when, pre-covid, prior to what was going to be our retreat weekend, I had proposed to Matt and Council leadership that we discuss the status of the 2014 UMCH Comprehensive Plan Update. Matt addressed this issue on 1.31.2020 via a Memorandum to City Council, answering questions and presenting several possible options for action by Council. As we know, covid struck, overtaking most agenda items for the city other than those deemed essential and time-critical in that moment. As a result, the status of the UMCH Update was pushed to a very back burner.



To the point: I believe we now face what may be a very short window of opportunity to discuss and act on this issue, and that we owe it to ourselves and the community to do so. The issue of UMCH, more than any other during the prior decade, has generated continued and intense interest—and acrimony—among the residents, and will continue to do so until successfully resolved. Accordingly, I will be making a motion at tomorrow night's meeting to "temporarily suspend" the UMCH portion of the Comprehensive Plan pending further update. Please know that I am going to make this motion in this rather sudden manner because of the urgency that we act while we can. I anticipate a thoughtful discussion—not about the whole of UMCH—but about the rationale for a suspension of the 2014 Update. I of course hope you will, upon reflection, support this motion.

In sum, my reasons for making the motion for suspension are:

1. The Update is already old, in years (prepared 2013-14) and content. Significant cultural and economic changes have taken place during the last seven years, and within Worthington itself significant demographic shifts further compound these broader societal evolutions. I believe that our commissioning of the current visioning process demonstrates our recognition that change is taking place. Our Comp Plan, especially regarding the central issue of UMCH, should likewise acknowledge, reflect, and support harmonization with these changes.
2. Experience (2012, 2015, to the present) has demonstrated that the current Plan does not enjoy the "consensus" status that it claims for itself. If we leave the current Plan in place, perpetuating this claim of authority, I believe it will continue to sour the mood, provoking further division in our community. Legitimate questions will arise as to why City Council has failed to listen and learn—and to act. Let's not embody the popular definition of insanity: To repeatedly do the same thing and expect different results.
3. Conversely, suspending the 2014 Plan would clear the air, clean the slate. We would create open psychological space for fresh thinking and new ideas, unburdened from having to defend prior plans and processes. All concepts and ideas—including high-density New Urbanism—could receive fair and equal treatment.
4. Lastly, and importantly, by proactively suspending the 2014 Plan, we can avoid the possibility of the city being placed in a vulnerable, defensive position, if a submitted development plan conforms in general with the Comp Plan and yet is rejected.

There are more reasons, and countless ways to express them, but this is a fourfold outline that I hope makes sense and is persuasive in some way for all of you. I look forward to discussing the motion at tomorrow's Council meeting. Thank you for your consideration.

David

David Robinson

14000

City Council Member
Worthington, Ohio
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david.robinson@worthington.org
davidrobinsonblog.com

UMCH: Responsibility & Accountability

by David Robinson, 6.24.15

To the casual observer, the UMCH-LC project may seem to have taken on a life of its own, gaining momentum as the wheels of government steadily turn, leading inevitably to that day of a done deal. At the May 18th Council meeting where UMCH was discussed, the impression of unstoppable motion was likely reinforced, as city staff and council members, each in their own way, suggested that they were not the responsible agents in this affair. One was led to believe that it is other persons, other entities, other processes that are driving the train and pulling the strings. But not the City.

This disposition is a potential problem for residents concerned about the fate of UMCH. If one is not responsible, then one is not accountable. And accountability, as the guarantor of wise public policy, is what we now need most.

Here are a few highlights from the meeting that illustrate this issue:

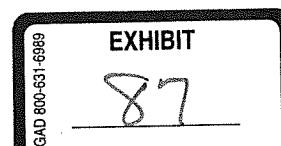
- 1) Does the City have “control” over the UMCH property?
- 2) Is the City a bystander regarding the solicitation of prospective developers?
- 3) Is the 9/3/14 amended Comprehensive Plan a “consensus” document (and therefore authoritative)?

1) Does the city have “control” over the UMCH property?

In opening remarks about the UMCH project, a city official said the city doesn’t “control” the property. Yes, UMCH owns the land and possesses the private property rights. That’s understood. However, our City Council does have legal authority over the zoning of the property, which represents a powerful element of control over what can and cannot be done with the land.

Fully 70% (31 acres)* of the property is zoned S-1 (institutional, e.g., religious, educational, medical), which means that apartments and other residential buildings cannot be built unless the zoning is changed. The current status is “no apartments.” So it is only by a deliberate, conscious act by the members of Council—by a majority of them saying “yes” to a rezoning ordinance—that there will be high-density apartments at UMCH. And to prevent apartments, all that Council needs to do is table any rezoning motion that includes the apartments, or, more boldly, vote “no.” It is their choice.

So the city staff member’s characterization of control represents only half the picture. The full picture is that City Council has legal authority to exercise significant control over the future use of this beautiful plot of land in the heart of our city. Given the far-reaching



consequences, this legal authority is not only a right—it is a responsibility—which I hope our City Council members will acknowledge and exercise for the long-term benefit of our community.

* The remaining 30% of the property is zoned either commercial/office (10 acres along High Street), or Senior Citizen (3.5 acres at the Sunrise facility).

2) Is the city a bystander regarding the solicitation of prospective developers?

During the public comment period, resident Erin Armstrong suggested that the UMCH property would be suitable for a higher education facility (consistent with Worthington's traditions), and that the city should look in to this possibility. In response, a member of Council suggested that it would not be appropriate, or even possible, for the city to try to influence who buys or uses the UMCH property. This echo of "we don't control it" was hard to understand. Sure, I expect UMCH and private businesses to initiate and engage in whatever negotiations they see fit. But doesn't the city have an economic development staff that is tasked with attracting businesses and institutions to Worthington? That's their job. So why would it be different with UMCH?

But the city's efforts to determine the future of UMCH precede, and are far more basic, than the soliciting of specific tenants or developers. For example, early in the process the city made the consequential decision to hire MKSK, the consulting firm, to write the amended Comprehensive Plan, and to manage the associated public relations campaign. Given the close history between the City and MKSK (they wrote the 2005 Plan), the possibility of an independent and fresh perspective was precluded. A different consulting firm, with a different range of expertise, a different agenda, and different deliberative process, could have afforded us a very different outcome than the one we currently face. But the city hired MKSK, which largely determined the contents of the amended Plan from the outset.

To understand how MKSK shaped the parameters and terms of the process, it's useful to go back and look at the slides that structured their 12/4/13 public forum (<http://www.worthington.org/DocumentCenter/View/1496>). For example, at the beginning of their presentation, MKSK tells us that the "market," "city finances," and our "community" (symbolized by three interlocking, equal-sized circles) represent a "balance of needs." Really? Aren't "city finances" part of the community's interests? Why show them as competing entities? After all, isn't the entire apparatus of city government supposed to serve the community's interests? Further, why should we (and our city council and staff) give the "market" equal status to the "community?" Who established that? Yes, I realize that finances and business interests are critical factors to be included in any analysis, but to say that the "community" is only a third of some decision-making formula is a strange calculus to me.

Following the “Balance of Needs” slide, MKSK proceeds to tell us what the market “needs.” We are asked to accept the self-contradictory idea that in order to stay prosperous we ought to follow “societal trends” such as creating “distinctiveness.” People want something “authentic,” therefore (we are told) our already-distinctive, historic community should try to be like others by building high-density population urban centers. Sound confusing? It is, but this is what their slides promote. And this is who the city hired.

So the city, protests notwithstanding, has been very involved in determining what ideas, and which persons, will be brought in to the process for meaningful consideration—and what is to be excluded. Not surprisingly, the resulting amended Comprehensive Plan prepared by MKSK reflects a very specific perspective and agenda. Which brings me to a third point.

3) Is the 9/3/14 amended Comprehensive Plan a “consensus” document (and therefore authoritative)?

Toward the end of the Council meeting’s public comments period, a lead member of Council said that a large public majority had supported the amended Comprehensive Plan. This statement is consistent with the claim on the city’s website that the amended plan is a “consensus” document (<http://www.worthington.org/DocumentCenter/View/2035>). The subtext of these claims of broad-based public support, is that the amended Comprehensive Plan is, and ought to be, the defining authority regarding the future of the UMCH property. And indeed, the city’s website explicitly states this: “Once the application [for UMCH development] is submitted, the criteria outlined in the City’s Comprehensive Plan will be used to evaluate the submittal.” (<http://worthington.org/index.aspx?NID=624#>). So the status we accord the revised Comprehensive Plan is of critical importance. Is it in fact a consensus document imbued with substantial authority?

Recent facts, in the form of public comment, suggest the opposite. If you look at the long string of WARD blog comments (https://groups.google.com/forum/?utm_source=digest&utm_medium=email/#!forum/ward-members-google), as well Representative Mike Duffey’s Facebook posting and comments regarding UMCH (<https://www.facebook.com/StateRepMikeDuffey?fref=ls>, particularly the posting from 5/4/15, 1:13 p.m.), the public reaction to the Lifestyle Communities’ proposal has been one of widespread, visceral opposition. For example, “No way!”, “PASS”, “This is shameful!!!”, “no”, “No”, “Horrible!”, “No thank you.” And, one of my favorites, “Too bad that Facebook does not have a DISLIKE button.”

This reflexive opposition appears to be the real consensus, suggesting that the amended Plan, and the project it birthed, reflects the ideas and ambitions of city staff, their

consultants, and other members of city government, and not the predominant views and interests of the Worthington community itself.

Perhaps some will protest that this has been a very open process with public hearings, etc.? But simply because there have been public forums, and meetings between staff, council, and members of WARD, etc., does not mean that the expressed interests of the public have been meaningfully incorporated in to the amended Plan—or the LC project now before us. The mere fact that hearings are held does not mean that the public's words are heard. Or respected. If the speech of an individual, or the public at large, is to have meaning in a democratic society, then their ideas must have real potential to tangibly shape resulting policy. I don't see evidence of this within the amended Plan or the LC project, since the contents conform closely to what was proposed by the consultants at the outset.

So I can't accept the claim that the amended Comprehensive Plan represents a mandate. Instead, I see it as the city-consultants' plan, and not the residents' plan. This is not to say that the Plan is not a thoughtful and valuable document. It is. But it represents a specific interest and viewpoint, and should be given just that much authority and no more. To claim otherwise is demeaning to those who do not see their own repeated objections, suggestions, and requests reflected in either the amended Plan or the LC proposal.

For a development project to legitimately claim public endorsement, a very different process from what we have experienced would need to be pursued: a very public, and publicized, exploration of a broad range of truly distinct options for the property (and not minor variations of the same theme), tapping in to multiple sources of inspiration and expertise. For all viable development options, our city would make public comparative analyses of impacts on traffic patterns, schools, existing home values, our quality of life, and our city's coffers. Without these comparative studies, the public cannot make an informed judgment, and is rendered more vulnerable to the arguments and claims of those who suggest they know better.

In sum, I would hope for a process whereby we, the Worthington residents, broadly informed about different development scenarios, have a central role in determining the future character and quality of our community. This would be in the best of democratic traditions, which is why some try to skirt it, and we must assert it.

Message

From: Greeson, Matt [/O=COW-EXCHANGE/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MGREESON]
Sent: 3/19/2018 1:13:47 PM
To: Michael, Bonnie [BMichael@ci.worthington.oh.us]; Myers, Scott [SMyers@ci.worthington.oh.us]; Scott Myers [William.Myers2@ohioattorneygeneral.gov]
Subject: FW: Retreat follow-up: UMCH info

I am going to contact each of you to discuss the email below. I have had a follow with Council Member Robinson regarding it.

Matt Greeson

City Manager
City of Worthington
6550 N. High Street
Worthington, OH 43085
614-436-0368 (Direct)
614-436-3100 (Main Office)
614-786-7355 (Fax)
mgreeson@ci.worthington.oh.us

From: David Robinson [mailto:davidwhitfieldrobinson@gmail.com]
Sent: Monday, March 19, 2018 10:39 AM
To: Greeson, Matt
Cc: Robinson, David
Subject: Fwd: Retreat follow-up: UMCH info

Good morning Matt,

As you'll recall, the February 9/10, 2018, Council/Staff retreat concluded with a discussion about UMCH. As an outgrowth of the conversation, and at the concurrence of Council members, you agreed to provide rough information related to impacts on city finances of a possible acquisition of property at UMCH. A week after the retreat, not having received any of the requested information from you, I drafted and sent you an email (copied below) in an effort to help you focus and simplify your fulfillment of this task.

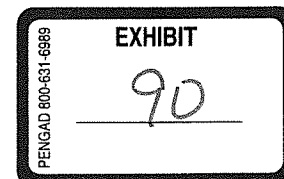
It is now four weeks since I sent the earlier email, and Council has still not received a reply to you in any form, much less the satisfaction of Council's instructions to you to generate and provide this basic information. I find your lack of response on this pivotal, time-sensitive issue to be a serious matter, and I ask that you answer this current request promptly with either the information requested, or a specific description of your timeline and plans to do so.

I look forward to your reply.

Best Regards,

David

David Robinson
614-893-4573 - cell
195 E Dublin Granville Rd
Worthington, OH 43085



----- Forwarded message -----

From: **Robinson, David** <DRobinson@ci.worthington.oh.us>

Date: Mon, Feb 19, 2018 at 11:34 AM

Subject: Retreat follow-up: UMCH info

To: "Greeson, Matt" <MGreeson@ci.worthington.oh.us>

Cc: "Michael, Bonnie" <BMichael@ci.worthington.oh.us>, "Myers, Scott" <SMyers@ci.worthington.oh.us>, "Dorothy, Rachael" <RDorothy@ci.worthington.oh.us>, "Foust, Douglas" <DFoust@ci.worthington.oh.us>, "Kowalczyk, Beth" <BKowalczyk@ci.worthington.oh.us>, "Smith, Doug" <DSmith@ci.worthington.oh.us>, "Brown, Lee" <LBrown@ci.worthington.oh.us>, "Bartter, Scott" <SBartter@ci.worthington.oh.us>, "Hurley, Darren" <DHurley@ci.worthington.oh.us>

Hello Matt,

Thank you for your candor, thoughtfulness, and focus at the recent Council/Staff retreat. I found the time together to be very productive, both regarding specific issues and in furthering group understanding and cohesion. This may sound over-the-top, but I wish we could hold such meetings every quarter or so if circumstances warrant.

I wanted to follow-up on one specific item—the provisioning of information regarding different land-use scenarios at UMCH. As you made clear, what you will generate will not be concrete, specific, validated, ready-for-the-bank numbers, but will be in the nature of estimates and probabilities, all based on the best information and most reasonable range of assumptions available to us today. Further, my understanding is that the scope of your analysis will be limited to impacts on city finances, and will not attempt to address issues regarding impacts on traffic, sustainability, quality of life, community appeal and identity, or business environment. These issues I believe will be engaged robustly in the upcoming public CP review process.

My basic request is that you focus on gathering and presenting information that is geared toward Council's actual decision-making processes, and that you and staff not be burdened with the task of trying to be comprehensive in order to address a wide range of inquiry. The core questions I have are as follows:

- What is the range of estimated net income tax revenue (over time), per acre, for different types of commercial development (e.g., office, medical-service, retail, and "mixed-use"); please provide statement of assumptions behind the estimates so that we can assess probabilities and alternatives.
- What is the range of estimated costs (one-time, and continuing), per acre, for different types of residential development (e.g., single-family, condos, and apartments; will the Dublin study help here?); please provide statement of assumptions behind the estimates so that we can assess probabilities and alternatives.
- What is the range of estimated costs (one-time, and continuing), per acre, for different types of public greenspace acquisition/development (e.g., passive, recreational, etc.); please provide statement of assumptions behind the estimates so that we can assess probabilities and alternatives.

In addition to providing raw numbers, I believe it would be helpful if you provided several scenarios in order to illustrate overall impact of different land-use options using the income/expense numbers you will have developed. If you do this, I would suggest that your scenarios remain simple and focused on enabling Council to make clear, comparative assessments. In other words, the most useful analysis would keep constant certain factors (those that enjoy, in general terms, basic agreement) while varying others (those that may be seen as most contested, and are therefore at the heart of upcoming decisions). What would not be helpful would be the presentation of several scenarios where many factors blur and mix among the different scenarios in such a way that we are left with no basis for discerning the pros and cons of different options. Please keep things differentiated, clear, and explicit.

Specifically, I believe that a central issue before us is the relative costs and benefits of residential vs. public greenspace. As such, it would be most helpful if you could provide several scenarios that would keep constant two assumed factors: a) the front ten acres will be developed commercial (or, if you prefer, the front 6.5 acres,

which would be excluding the conference center's acreage); b) the seven along Tucker Creek will remain undeveloped; while the third element would be variable: c) the back twenty six acres, presented with varying proportions of residential and public greenspace. One scenario could be twenty six acres of residential, another could be twenty six acres of greenspace, and a third could be thirteen each. I fully realize that these scenarios are crude and simplistic, but they will give us a means of thinking based on numbers and not vague hunches or biases.

Lastly, I want to acknowledge that the actual, final development of the property is likely to not fit neatly in to the three categories of commercial, residential, and greenspace, and that the acreage allotted to each is fluid and possibly overlapping. The possibility of "mixed-use development" e.g., apartments above commercial, is an example of this. I understand this. But this fluidity makes it all the more important that City Council be provided with clear numbers based on discrete land-use categories, and the explicit assumptions underlying them, so that Council members can get a grasp on the essentials in our effort to make informed decisions in the public interest.

Thank you again Matt. I of course welcome any discussion about this request for information, with you, staff and/or other Council members. I look forward to working with all to bringing the UMCH issue to successful resolution.

David

Sent from my iPad

Information from ESET Endpoint Security, version of detection engine 17082 (20180319)

The message was checked by ESET Endpoint Security.

<http://www.eset.com>